

DOCUMENTARY HISTORY

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OF

EDUCATION

IN UPPER CANADA

(ONTARIO)



1841-1843



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MEMORANDUM.

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This Documentary History is printed as one of the Appendices to the Report of the Honourable the Minister of Education for 1896. Copies of this Appendix are, however, printed separately in this form for the convenience of distribution and for reference.

J. G. H.

*Education Department (Ontario),*  
Toronto, March, 1897.



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# DOCUMENTARY HISTORY

OF

# EDUCATION IN UPPER CANADA

FROM THE PASSING OF THE

## CONSTITUTIONAL ACT OF 1791

TO THE

CLOSE OF THE REVEREND DOCTOR RYERSON'S ADMINISTRATION  
OF THE EDUCATION DEPARTMENT  
IN 1876.

VOL. IV: 1841-1843.

*Edited, under the direction of the Honourable the Minister of Education, with Explanatory Notes,*

BY

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## PREFATORY REMARKS.

This Fourth Volume contains a record of several memorable events in the history of Education in Upper Canada. Not the least notable of these events was the issue of a Royal Charter to the University of Queen's College, Kingston, and the passage of its equivalent, in the shape of an Act of Incorporation of the University of Victoria College, Cobourg. Still more notable in the educational history of those times was the fact, that, in the years 1841, 1842 and 1843, three Universities in Upper Canada opened their doors for the admission and education of Students in the various branches, or departments, of Literature and Science. These three Universities were opened at the following dates :—

1. Victoria College was informally opened, as a Preparatory College, by the Reverend Doctor Egerton Ryerson, its President, on the 21st of October, 1841. It was fully and formally opened by Doctor Ryerson as a University College on the 21st of June, 1842.

2. Queen's College was opened as a University College by the Very Reverend Doctor Thomas Liddell, its President, on the 7th of March, 1842.

3. King's College was opened as a University by the Right Reverend Doctor John Strachan, its President, on the 8th of June, 1843. The Corner Stone of the New Building for the College was laid with appropriate ceremonies and addresses on the 23rd of April, 1842, by His Excellency Sir Charles Bagot, Chancellor of the University.

In connection with these interesting historical events, there are published in this Volume, two very important and elaborate papers by the Right Reverend Doctor Strachan, President of the University of King's College.

The first of these documents is Doctor Strachan's appeal, (written early in 1842, and not before published,) to Sir Charles Bagot, Chancellor of the University, in which he surveyed the stormy past of the University, and strongly urged the Governor General to take steps to authorize the Council of King's College to erect the University Buildings.

The second document is a valuable historical record by Doctor Strachan, (in the form of an Address at the opening of King's College University in 1843,) of the proceedings of Lord Dorchester, Governor Simcoe, the Government and Legislature, and King's College Council in regard to Education in Upper Canada, from 1789 to 1843, including a sketch of the history of the University from the grant-

ing of the Royal Charter in 1827, until it was opened for the reception of Students in 1843.

Not less important than these events was the passage, by the Legislature of United Canada, in 1841 of a somewhat comprehensive, yet almost entirely non-practical, School Law for the United Province. The preparation and passage of this Measure has a history unique of its kind. It was based chiefly on the educational theories, which were elaborated in the Report on Common School Education, laid before the Upper Canada House of Assembly, by Doctor Charles Duncombe, a Member of the House, in 1836.\* The Framers of the Bill also consulted a series of "Letters on Elementary and Practical Education," by Mr. Charles Mondelet, a French Canadian Gentleman, published in Montreal in 1841. Neither the Report nor the Letters professed to be any thing more than the personal opinions of the authors, based upon theoretical observation, and not upon practical experience. Great pains were clearly taken in the preparation of this Bill; and the Framers of it, (the Honourable Solicitor General Day,) was ably assisted in his work by the late Honourable Christopher Dunkin, who had been one of the Assistant Secretaries in the preparation, under the direction of Sir Charles Buller, of that part of Lord Durham's Report relating to Education in Lower Canada. He was also the promoter of the "Dunkin Bill." Nevertheless, the Common School Act, as passed, was, from many causes, a total failure, and had to be superseded by a new Act for each Province in 1843.

It does not appear, from the remarks made by the Honourable Solicitor-General Day, in introducing his Common School Bill into the House of Assembly, that, in the construction of that Bill, he had consulted the more practical Reports on Education, (with the draft of School Bills, that usually accompanied them,) which had been laid, from time to time, in previous years, before the Upper Canada House of Assembly. He seems rather to have confined himself to Doctor Duncombe's elaborate Bill—probably from the fact that it had been published separately in book form, and was, therefore, more accessible at the time, than were the Reports of Committees of the House of Assembly, which could only have been consulted in the successive year's Appendices to the Journals of the Legislature.

In one respect, Doctor Duncombe was in advance of his times. In his educational investigations in the United States, he noticed, (as I did afterwards, when acting on a Commission, appointed in 1871, to enquire into the state of Technical Education in the United States,) that a good deal of attention was there given to the subject of Industrial Education. Doctor Duncombe provided, therefore, in his draft of School Bill, that School Teachers be authorized to collect funds:—

To purchase, or lease, any shop, work-house, mechanical tools and materials for the purpose of enabling the scholars of the School . . . district, profitably to employ a portion of their time in the acquiring a knowledge of such mechanical skill, art, business, or profession, as the Trustees, with the Teacher, . . . shall think fit . . .



So deeply impressed was I, long since, of the importance of this subject, and of the necessity of providing in our School System for a practical solution of the question which was then, and is now, of pressing importance—viz., Manual Training, as a part of Educational System—that, in 1877, I prepared a Lecture on the subject, and delivered it at various School gatherings, in different parts of the Province. The Lecture was founded on the Industrial Lessons taught to us so impressively at the Centennial Exhibition, Philadelphia, in 1876. These lessons, in their educational aspects, were even more forcibly impressed upon me at the great Industrial Exhibition held at New Orleans, in 1885. Having been there for six weeks, as an Educational Juror, on behalf of the United States Bureau of Education, I had abundant and excellent facilities for studying the whole question, and for seeing how it was being worked out, in the various National School Systems which came under review in that enquiry—especially in that of France. The French school law of 1882 provided that—

Primary education should include [among other things] the elements of the Natural, Physical and Mathematical Sciences, and their application to Agriculture, to Hygiene, and to the Industrial Art; Manual Work, and the use of Tools of the principal Trades, the elements of Drawing, Modelling, etcetera.

Apprenticeship Schools have also been established in France for some time,—the object of which is to train workmen, as distinguished from foremen. In these Schools various Trades are taught.\*

An application for aid for this kind of School, as uniting “Manual Labour with the acquisition of Knowledge,” was made to the Home District Council in 1843, and was favourably considered by the Council as “worthy of being recommended to the Governor-General and Legislature for a grant of a Charter.”

A very successful Industrial School was spoken of by Mr. William L. Mackenzie in his “Sketches,” as in operation in East Gwillimbury, in 1831, “for the instruction of young females in knitting, sewing, spinning . . . and other useful accomplishments of a like description.”

In the Chapter in the Education of the Indians, (page 125) I have referred to the Manual Labour School, established for them at Alderville in 1836.

It should be here noted that our excellent Municipal System took its rise in the legislation on that subject originated, first in Lower Canada, by the late Lord Sydenham, and, in Upper Canada, during the administration of the Honourable

\*The following extract, taken from a March number of *The Times* newspaper, London, of the present year, shows how active are the efforts which are being made in England to promote Manual Training in the Schools. *The Times* extract is as follows:

A meeting of the National Association of Manual Training Teachers was held on the 6th of March, 1897, in London, Sir Philip Magnus presiding. He said that the 285 classes in Manual training had now been registered in this Country; and 2,339 teachers in the Public Elementary Schools were being trained to teach the use of tools to young children.

In France Manual teaching was an essential part of ordinary primary instruction. He knew of no country in Europe where the efforts to improve the teaching of workmen, were so well directed as in France, and there were no handicraft men superior to the French. Manual instruction was not intended to make artisans; it was essentially a teaching by means of which the discipline of the hand and eye was made a method of genuine intellectual training.

*The Outlook Magazine* of New York, in the number for April, 1897, states that ex-Mayor Grace, his Wife and Brother, have set apart \$200,000 for the founding, in New York, of a Manual Training School for Women and Girls.

William H. Draper, in 1841. Our School System has ever since been wisely grafted on the Municipal System of the Province; and the after success of our Schools has been largely due to the cooperation of the various Municipal Councils, in raising funds, and in otherwise assisting, through its Officers, in the local administration of the School Laws.

One of the most important features of, or rather adjuncts to, the School Legislation of 1841, was the setting apart, by Statute, of the munificent sum of Two Hundred Thousand dollars, (\$200,000,) a year of the public revenues, for the support of Common Schools in the two Provinces. This noble act was the result of the persistent efforts of the Honourable Isaac Buchanan, then one of the Members for the City of Toronto. (The circumstances connected with this grant are given on pages 159, 160, of this Volume.)

That part of the School Legislation of 1841, which had most interest for Upper Canada was the introduction of a provision in the School Bill of that year for Separate Schools. This was explained by Sir Francis Hincks, as an unforeseen incident in connection with the Common School Bill. In a Letter to the Editor of this Work in 1884, he said:—

It is worthy of notice that, after the introduction of the School Bill, of 1841, a number of Petitions were presented, praying that the Bible should be adopted as a School Book. This led to the reference of the Bill to a large Select Committee, which recommended the introduction of the Separate School clause, which was not in the Bill as originally introduced.

Of the School Bill itself, Sir Francis Hincks, in a Speech in 1843, said :

No one is more sensible than I am of the defects of the late School Law, (of 1841,) so great, indeed, were they, that it has been found impossible to work it. That School Law was not framed by any Ministry, responsible, or otherwise; it was hastily put together in a Select Committee of the House of Assembly, consisting of [twenty-three] Members, [fifteen from Lower Canada, and eight from Upper Canada]; without that deliberation and care which such a measure ought to have and received.

It will be seen, by reference to the proceedings of the Legislature in 1841, that the introduction of the provision for Separate Schools, in the Common School Bill of that year, was due to the fact that the Government of the day had lost control of its own Bill in the House of Assembly, and, under the pressure of opposing forces, had referred it to a Mixed Committee of the House. That Committee was composed of fifteen Members from Lower Canada and eight from Upper Canada—twenty-three in all.

As there is a general misapprehension as to the nature of these first provisions for Separate Schools in Upper Canada, as reported to the House by this Committee, and adopted, I summarize them as follows:—

Whenever any number of the Inhabitants of any Township, or Parish, professing a Religious Faith different from that of the majority of the Inhabitants of such Township, or Parish, shall dissent from the Regulations, Arrangements, or Proceedings, of the Common School Commissioners, [elected in each Township,] with reference to any Common School in such Township, or Parish, it shall be lawful for the Inhabitants, so dissenting, collectively to signify such dissent in writing to the Clerk of the District Council; . . . and it shall be lawful for such Dissenting Inhabitants, by and through [their School] Trustees, . . . to establish and maintain one or more Common Schools, in the manner and subject to the Visitation, Conditions, Rules and Obligations in this Act provided, with reference to other Common Schools, and to receive from the District Treasurer their due proportion, according to their numbers, of the moneys appro-



priated by Law, and raised by Assessment, for the support of Common Schools, in the School District, or Districts, in which the said Inhabitants reside, in the same manner as if the Common Schools, to be established and maintained under such Trustee, or Trustees, were established and maintained under the Common School Commissioners. . . .

In other words, mere dissent from the Regulations, Arrangements, or Proceedings, of the School Commissioners of a Township, authorized the Dissentients to establish a School of their own, and to claim the Legislative School Grant and Municipal Assessment, for that School, "according to their numbers."

In 1843, these provisions for Separate Schools were wholly repealed; and, in their place, Sir Francis Hincks provided for these Schools as follows:—

In all cases, wherein the Teacher of any Common School shall happen to be a Roman Catholic, the Protestant inhabitants shall be entitled to have a School, with a Teacher of their own Religious Persuasion, upon the application of Ten or more resident Freeholders, or Householders, of any School district; or within the limits assigned to any Town, or City, School; in like manner, when the Teacher of any such School shall happen to be a Protestant, the Roman Catholic inhabitants shall have a Separate School, with a Teacher of their own Religious Persuasion, upon a like application.

Such applications shall be made in writing, signed with the names of each resident freeholder, or householder, and addressed and delivered to the Township, Town, or City, Superintendent, [with names of Trustees], and upon the compliance of such Trustees, and of the Township, Town, or City, Superintendent, with the requirements of this Act, such School shall be entitled to receive its share of the public appropriation, according to the number of children of the Religious Persuasion who shall attend such Separate School. . . .

It will be seen that these provisions of the Hincks' Bill of 1843, differ essentially from those in the Day Bill of 1841. The difference consists in giving a religious basis to the dissent of the Roman Catholic, or Protestant, ratepayers, instead of the capricious one of mere objection to the "Regulations, Arrangements, or Proceedings, of the School Commissioners."

The basis of apportionment to the Schools was very properly changed in the Hincks' Bill, from that in the Day Bill of mere numbers of Dissentients, to that of the actual number of children educated by the Separate School Trustees. This basis of apportionment has been adopted in the Separate School legislation of the Province, from 1843, until the passage of the "Finality" Act of 1863.

One very important measure was laid before the Legislature by the Honourable Robert Baldwin in 1843, but, owing to the resignation of Ministry, (of which Mr. Baldwin was a Member, and Attorney General), it only reached the second reading before the Ministry resigned. The principle of the Bill, was the confederation, including the endowment out of the University funds, of the various "outlying Colleges," as they were termed. The steps taken, chiefly by the promoters of Queen's College, which led up to the preparation of this Bill, will be detailed in a subsequent Chapter, in connection with the after discussion of the same question in the next Volume. The title of the University Bill of 1843, was:—

An Act to provide for the Separate Exercise of the Collegiate and University Functions of the College Established at the City of Toronto, in Upper Canada: For Incorporating certain other Colleges and Collegiate Institutions of that Division of the Province with the University: and for the more Efficient Establishment and satisfactory Government of the same.

This Bill, as may be seen from its title, was most comprehensive in its character. It was very elaborately discussed and abundantly criticised by the newspapers, and by the authorities of the various Colleges which it proposed to incor-

porate with the Provincial University, videlicet : King's College, Regiopolis College, Queen's College and Victoria College. The title of Upper Canada College was changed to that of "the Royal Collegiate High School of the University of Toronto." To each of these University Colleges—incorporated in the University—it was provided, in the Bill, that they should receive £500, (\$2,000) a year for four years, out of the University Investment Fund.\*

It may be here noted that this Bill is educationally of historical interest. It was upon its financial provisions, in connection with the 54th section of the University Act of 1853, † that the movement was made, in 1860, by the Methodist Conference and the authorities of Victoria College, to induce the Government to give fuller effect to the 54th section of the Act of 1853, and to adjust, in a more satisfactory way than then existed, the scholastic relations of the University of Toronto with the "outlying Colleges."

The Chapters relating to Queen's College in this Volume are unique of their kind, and will be found to be of an interesting character.

This Volume contains particulars of the original appointment of a Chief Superintendent of Education for United Canada, and an Assistant Superintendent for each Province. It also contains a copy of the First Report on the Common Schools of Upper Canada by the Reverend Robert Murray, M.A., the predecessor of the Reverend Doctor Ryerson, as Superintendent of Education in Upper Canada. This Report reveals a state of educational crudity in the arrangements of those days, for the management of the Schools, as well as in the proceedings of the local bodies entrusted with certain duties under the Common School Law, which was scarcely looked for at the time. The Reverend Robert Murray mentions some instances which illustrate this point. In regard to School Books, he says :—

In several instances it has been stated by Teachers that there were only two or three old tattered fragments of books in their schools, considered as common property, and used by all in attendance. . . . The people . . . will not purchase new books . . . while they have any old books on hand. . . . From these circumstances, Teachers seldom have the power of forming their pupils into classes in any part of their studies, and, therefore, cannot excite that emulation which is so necessary in carrying forward the education of youth. Besides, many of the books in use are both old and antiquated. . . .

As to study in the Schools, the Superintendent says :—

The course of study, not having been pointed out . . . to the Teachers, only a very confused idea has been formed on the subject. The only data upon which to proceed being the books prescribed. . . . But, even here, there is no order pointed out. The pupil may, for anything to the contrary, contained in the instructions, commence his studies wherever he has a mind, and prosecute them in whatever order pleases himself.

\* A division of the University endowment was not a new thing. The Reverend A. N. Bethune gives the following account of an interview with Lord Goderich, Colonial Secretary in 1831, at which he was present with the Bishop of Quebec. He said :—Much consultation was had with Lord Goderich in regard to the University of King's College, on the exclusiveness of whose Charter he had been so much assailed ; and his Lordship made a proposition which I strongly advised Bishop Stewart to accept. This was to divide the University Endowment : giving one half to the Church of England, with the present Charter unchanged ; and the other half to the Province for the establishment of a University entirely satisfactory to the Colonial mind. . . . Much to the disappointment of Lord Goderich, the Bishop felt himself obliged to decline the proposal. Events have shewn that it would have been wise to have accepted the offer of Lord Goderich. (*Memoir of Bishop Strachan, by his Successor in the See, 1870. Pages 133, 134.*)

† The fifty-fourth Section of the University Act of 1853 was as follows :

LIV. Any surplus of the said University Income Fund remaining at the end of the year, after defraying the expenses payable out of the same, shall constitute a Fund, to be, from time to time, appropriated by Parliament for Academical Education in Upper Canada.



In regard to the Teachers, the Superintendent mentions some satisfactory cases. But, he says :—

The fact cannot be denied, that the position occupied by Teachers has, in the great majority of cases, been the most unpropitious. Boarding for a few days at a time with the several families by whom they are employed, and the changing from house to house, their minds have become dissipated, and private study has generally been altogether neglected. But even where this has not been the system, and where the Teachers have boarded themselves, their income generally has been such as to oblige them to live in the lowest taverns, and consequently to associate with the lowest and most dissipated characters in the neighbourhood. By this daily intercourse with bar-room Politicians, and bar-room Divines, they insensibly become assimilated to them in their manners, views and habits, and are thus rendered utterly disqualified for conducting the education of youth.

These remarks, in connection with Chapter IX., on the "Transitional period in our Educational History," and the Chapters containing the "Reminiscences" of the Superannuated Common School Teachers, furnish striking and vivid pictures of the State of Education in the "old times" in Upper Canada.

I have thus referred in these Prefatory Remarks to some of the more important historical facts narrated in this Volume, and have summarized, as briefly as it was desirable to do, the information in regard to them, which are embodied in these pages. This seemed to be the more desirable from the fact, that I was only able to compress into this Fourth Volume the principal educational proceedings of the years 1841, 1842 and 1843, (in part).

It will be a surprise to many to see, from these Volumes, how much was done and said for the promotion of Education in Upper Canada before the Education Department of Upper Canada was organized in 1842-44. During all of these years, prior to that event, the late venerable Bishop Strachan was the central figure in our Educational History—seconded in all his efforts, as he was, by his distinguished pupil and life long friend, the Honourable Chief Justice Robinson.

J. GEORGE HODGINS,

Librarian and Historiographer of the  
Education Department for Ontario.

TORONTO, 12th of April, 1897.

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## CHAPTER I.

## UNION OF THE PROVINCES OF UPPER AND LOWER CANADA—

## PRELIMINARY PROCEEDINGS.

By reference to page 234 of the Third Volume of this Documentary History, it will be seen that the last Session of the Upper Canada Parliament was closed by the Right Honourable Charles Poulett Thomson, Governor-General of British North America.

Sir George Arthur was, at the time, Lieutenant-Governor of Upper Canada, but he took no part in the proceedings of the last Session of its Parliament, as the Governor-General was desirous, as he informed the Legislature, on opening it, in December, 1839, of visiting Upper Canada, and of meeting its Representatives.

In bidding adieu to the Members of his Executive Council, Sir George Arthur paid a graceful tribute to the zeal and ability with which they had discharged their duties as his Executive Councillors.

On the 9th of February, 1841, the Mayor and Corporation of the City of Toronto, and the Members of the Upper Canada Executive Council were convened in the Executive Council Chamber. To the Mayor and Corporation of Toronto, Sir George Arthur delivered a parting address. His formal leave-taking of the Members of the Executive Council of Upper Canada was of a more personal character, and was expressed in the following words:—

*To the Honourable Messieurs Robert Baldwin Sullivan, William Allan, Augustus Baldwin, William Henry Draper and Richard A. Tucker:—*

As the labours of the Executive Council of Upper Canada will cease this day, I feel it a duty, as well as a pleasure, on this occasion to record my sincere thanks for the cordial support you have uniformly afforded me during my administration of the Government of this Province.

The zeal with which your important duties as Councillors have been discharged, has been as remarkable as the patient industry you have employed in the investigation of all subjects which I have found it necessary to bring under your notice; and I take my leave of you with sentiments of the most cordial esteem and personal regard.

GEORGE ARTHUR.

EXECUTIVE COUNCIL CHAMBER

TORONTO, 9th February, 1841.

On the following day, 10th of February, 1841, the Governor-General, who had received from the Queen, the title of Baron Sydenham and Toronto, issued a Proclamation, formally uniting the Provinces of Upper and Lower Canada, as provided by the Imperial Act, 3rd and 4th Victoria, Chapter 35, intituled: An Act

to re-unite the Province of Upper and Lower Canada, and for the Government of Canada." The Proclamation was as follows:—

SYDENHAM.

His Excellency, the Right Honourable CHARLES. BARON SYDENHAM, of Sydenham, in the County of Kent, and Toronto in Canada, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America:—

In obedience to the Command of the Queen, I have this day assumed the Government of the Province of Canada.

Upper and Lower Canada, separated for fifty years, are once more re-united, and henceforward will form but one Province, under one Administration.

Given under my Hand and Seal at Arms, at the Government House, in the City of Montreal, in the said Province of Canada, the Tenth day of February, in the year of our Lord, One Thousand Eight Hundred and Forty-one, and in the Fourth year of Her Majesty's Reign.

By command,

D. DALY,

CHIEF SECRETARY'S OFFICE,

Secretary of the Province.

MONTREAL, 10th February, 1841.

A few days after the issue of this Proclamation\* Lord Sydenham constituted the Provincial Administration, and had the names of the Members of his Cabinet gazetted as follows:—

His Excellency the Governor-General has been pleased to make the following appointments, viz.:—

The Honourables Robert Baldwin Sullivan and John Henry Dunn, of the City of Toronto; Dominick Daly, of the City of Quebec; Samuel Bealey Harrison, of the said City of Toronto; Charles Richard Ogden, of the City of Montreal; William Henry Draper and Robert Baldwin of the said City of Toronto; and Charles Dewey Day, of the City of Montreal, to be Members of Her Majesty's Executive Council of the Province of Canada.

Thomas Amiot of the City of Quebec, Esquire, to be Clerk of the Crown in Chancery for the Province of Canada.

His Excellency the Governor-General has been pleased to appoint Dominick Daly, Esquire, and Samuel Bealey Harrison, Esquire, to be respectively Her Majesty's Secretary for the Province of Canada.

Mr. Daly will conduct the correspondence for that part of the Province, heretofore the Province of Lower Canada, and Mr. Harrison for that part heretofore the Province of Upper Canada.

By Command,

T. W. C. MURDOCK,

Chief Secretary.

GOVERNMENT HOUSE,

MONTREAL, February 13th, 1841.

\* The main portion of this Proclamation is devoted to an address to the Inhabitants of the new Province on the advantages of the union. Its closing sentences are touching and paternal, and are as follows:—"It is the first wish of the Queen to rule in the hearts of Her subjects, and to feel that they are contented and prosperous under Her mild and just sway. . . ."

"May the All-Wise Disposer of Events so ordain your acts, that they may tend to the promotion of peace and happiness amongst you; and may He pour His blessing upon that Union, of which it is my pleasing duty this day to announce to you the completion."



## CHAPTER II.

## THE FIRST PARLIAMENT OF UNITED CANADA, 1841,

## AND ITS EDUCATIONAL PROCEEDINGS.

The First Parliament of United Canada was convened on the 14th day of June, 1841, by Proclamation of the Governor-General, who had recently been created by Her Majesty "Baron Sydenham, of Sydenham in the County of Kent England, and Toronto in Canada."

Eighty-four Members, who composed the House of Assembly of this Parliament, were elected from the Counties and Cities of Upper and Lower Canada respectively.

The following Members of the late House of Assembly of Upper Canada were also elected Members of the House of Assembly of this United Parliament, *vide* licet:—Sir Allan Napier Macnab, and Messieurs William Hamilton Merritt, John Solomon Cartwright, Robert Baldwin, John Prince, Henry John Boulton, William Henry Draper, Caleb Hopkins, James Durand, John Cook, Edmund Murney, Malcolm Cameron, David Thorburn, James Morris, Thomas Parke, George Morse Boswell, John Philip Roblin, Alexander McLean, Harmanus Smith and James Edward Small.

Among the new men from Upper Canada, elected to the United Parliament of Canada were Messieurs Francis Hincks, John Sandfield Macdonald, James Hervey Price, Samuel Bealey Harrison, John Henry Dunn, Isaac Buchanan, Henry Smith and George Duggan. These men were afterwards well-known in public life, either as prominent politicians, or as statesmen.

On the 15th of June, 1841, Lord Sydenham opened the first Session of the First Parliament of United Canada, with an elaborate and comprehensive Speech, in which he outlined a scheme involving important changes in Provincial affairs, the chief features of which has ever since engaged, more or less, the attention of our public men.

Among other things, Lord Sydenham pointed out the desirability of "developing the resources of the Province, by well considered and extensive Public Works," . . . of improving "navigation from the shores of Lakes Erie and Huron to the Ocean," . . . of establishing "new internal communication in the Inland Districts," . . . of encouraging "a healthy flow of immigration from the Mother Country," . . . and of providing "a form of local self-government for the Districts of the Province," in the shape of Municipal Councils. He then called attention to the necessity of providing an effective system of popular education. This part of his Speech from the Throne was as follows:—

"A due provision for the Education of the People is one of the first duties of the State; and, in this Province, especially, the want of it is grievously felt. The establishment of an efficient system, by which the blessings of instruction may be placed within the reach of all, is a work of difficulty, but its overwhelming importance demands that it should be undertaken. I recommend the consideration of that subject to your best attention, and I shall be most anxious to afford you, in your labours, all the co-operation in my power. If it should be found impossible so to reconcile conflicting opinions, so as to obtain a measure which may meet the approbation of all, I trust that, at least, steps may be taken, by which an advance to a more perfect system may be made; and the difficulty under which the people of this Province now labour may be greatly diminished, subject to such improvements hereafter as time and experience may point out."

#### EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY, 1841.

*June 18th, 1841.*—The House, as ordered on the 15th instant went into Committee of the Whole on the Speech of His Excellency the Governor-General at the opening of the Session. Mr. James Morris in the chair.

The Honourable George Moffatt, seconded by Mr. William Hamilton Merritt, moved that a Committee be appointed to prepare and report lists of Members of this House to compose standing Committees.\*

*Fifth:* Education and Schools.

(NOTE. On the 25th of June, this Order of the House was discharged, consequently the contemplated standing Committee on "Education and Schools" was not nominated, or appointed. On the 15th of July, however, a Committee of the Whole House on the Honourable Solicitor-General Day's Common School Bill was appointed. See Note on the subject.)

*June 22nd, 1841.*—Mr. James Morris, Chairman of the Committee of the Whole House, reported a series of Resolutions in answer to His Excellency's Speech from the Throne. The Resolution relating to Education was as follows:—

*Resolved,*—That His Excellency do rest assured that this House holds the Education of the People to be a subject of paramount importance, and that they sincerely regret that the want of due provision in this behalf should have been so long felt in the Province:—they are aware of the difficulty of establishing an efficient system by which the blessings of instruction may be placed within the reach of all; but they are aware of the overwhelming importance of the subject; and it shall be the object of their best attention and their most anxious consideration.

They humbly thank His Excellency for the promise of his co-operation in their labours, and they trust that with that co-operation they shall be able to obtain a measure which, if it should fail so to reconcile conflicting opinions as to meet the approbation of all, will, at least, serve as a step by which an advance to a more perfect system may be made, and the difficulty under which the People of the Province now labour may be greatly diminished, subject to such improvements hereafter as time and experience may point out.

#### PETITIONS THAT THE BIBLE BE USED AS A CLASS BOOK IN THE SCHOOLS.

During this Session of the United Parliament of Canada, a large number of petitions was presented to it from various parties in Upper and Lower Canada on the subject of the use of "the Bible as a Class Book in the Schools." There were twenty-five of such petitions from Lower Canada, and fifteen from Upper Canada. As a sample of these petitions I insert the following, as one of the most comprehensive in its terms, and clear and explicit in its demands:—

This Petition was from Clergyman and Members of the Church of England in St. Armand's West, Lower Canada. It prayed that the Bible, "as a whole," might be used in Schools and Seminaries as a Class Book. As presented on the 24th of June, it set forth:

That Petitioners, viewing with dismay the ignorance, and consequent injury to society in general, likely to accrue from the want of Schools for the rising generation of the Province, and the utter impossibility of providing them, especially in the new settlements, from private contributions, satisfied also that it is the duty of every wise and beneficent Government to provide



for all classes of its subjects the means of a sufficient Education, do, in perfect reliance on the wisdom of this House, most earnestly pray that the provision of such means may be amongst its earliest deliberations.

That Petitioners, while they are anxious to promote throughout the Province the diffusion of general knowledge, are, in their own minds, convinced that knowledge, to be productive of any real benefit, or substantial good, to the people, must be guided by the unerring Wisdom of God, as revealed in His Word.

That Petitioners at the same time, while they respect the rights of conscience in their fullest extent, do yet consider the Bible as the most sacred of God's gifts to man,—a gift which they would not willing see denied, or even, in part, with-held from the rising youth of the Province.

That humbly also, but conscientiously, believing that the Bible, as given by God, must be received as a whole, and cannot without rashness, or detriment, either be added to, or diminished from,—inasmuch as “all Scripture is given by inspiration of God” and is, therefore, declared to be profitable in various ways, and for various purposes, Petitioners consider that they would ill discharge their duties as Christians, and consequently as believers, in the whole Book of Revelation, if they did not deprecate, in any contemplated establishment of Schools every attempt to introduce into them extracts only from the Holy Scriptures, whereby the Word of God would be abridged and mutilated, and the imperfect selections of uninspired men be substituted for the inspired Word of the Almighty, expressly revealed for Man's benefit and guidance.\*

Wherefore Petitioners humbly pray that, not only may the Bible, according to the received translation, be recognized as the Class Book, to be universally taught in all Public Schools and Seminaries throughout the Province, in which Protestants shall receive their Education; but that it may be put into the hands of all such scholars in its full and un-abridged state, and that no part of it may be with-held from them.

*Ordered.* That the said petition do lie upon the Table.

A Petition, the same in effect, was presented to the Legislature by the Ministers and Elders of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, as follows:—

This Petition *Humbly Sheweth*, That your Petitioners, deeply convinced that the government of this young and rising Country can confer no greater benefit on it than by establishing an efficient System of Common School Education, have learned with much satisfaction that this very important matter is likely to engage the attention of the Legislature.

But your Petitioners can regard with approbation only that System of Education which is, in all respects, fitted for preparing the young for the faithful discharge of the duties which, as accountable creatures, they owe to God and their fellow-man; and this, as your Petitioners sincerely believe, can be accomplished only by their being made intimately acquainted with the Word of God.

May it, therefore, please your Honourable House, in any enactment which your Honourable House may pass on this subject, that provision be made for the use of the Holy Scriptures in all the Schools of the Province admitted to a participation of any grant of public money; and your Petitioners will ever pray.

Signed in the name of, and by appointment of, the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland,

KINGSTON, July, 1841.

JAMES GEORGE,  
Moderator.

#### PROCEEDINGS OF THE HOUSE OF ASSEMBLY ON THESE PETITIONS AND ON THE QUESTION OF “THE BIBLE IN THE SCHOOLS.”

The question of complying with the foregoing and other Petitions on the same subject and of making the Bible a Text Book in the Schools, was considered by the House of Assembly on the 5th day of August, 1841.

\* This strong and sweeping statement of the Petitioners is not confirmed by experience. *Vide* the “Scripture Readings for High and Public Schools” (1888), issued by the Education Department for Ontario, and the “Readings from the Bible, Selected for Schools,” issued under the patronage of the Chicago Board of Education (1896).

On that day (5th of April, 1841) Mr. James Edward Small moved to refer to a Select Committee one of the Petitions presented to the House, praying that the Bible be used as a Class or Text Book in Schools. This gave rise to an animated discussion.

Several other Petitions had been presented to the House, of a similar nature, and the object, no doubt, of referring them to a Select Committee was to obtain a Report from the Committee in regard to the principle involved in these Petitions.

After some discussion Mr. Robert Baldwin, seconded by Mr. Francis Hincks, moved that the further consideration of the said motion be postponed. This was decided in the affirmative on the following, vote :—

YEAS :—Messieurs Baldwin, Barthelot, Borne, Bouthillier, Child, Christie, Cook, Crane, De Lisle, De Salaberry, Gilchrist, Harrison, Hincks, Hopkins, Killaly, Morin, Neilson, Noel, Parent, Parke, Price, Raymond, Roblin, Steele, Taché and Viger—26.

NOES :—Messieurs Boswell, Burnett, Cameron, Cartwright, Day, Foster, Hale, Holmes, Johnston, Merritt, Moffat, Morris, Powell, Prince, Robertson, Simpson, Small, Strachan, Thompson, Thorburn, Turcotte, Watts, Williams and Sir Allan Macnab—25.

Thus it was carried in the affirmative by a majority of one. Mr. Malcolm Cameron then moved that the Petition of the Reverend R. V. Hall and others on the same subject be referred to a Select Committee of seven. A second debate ensued, with the same effect as the former. The division was then taken on this motion, as follows :—

YEAS :—Messieurs Buchanan, Burnett, Cameron, Campbell, Cartwright, Day, Dunn, Foster, Hale, Holmes, Johnston, Macnab, D. McDonald, Moffat, Morris, Powell, Prince, Robertson, Simpson, Henry Smith, Harmanus Smith, Strachan, Thompson, Thorburn, Turcotte, Watts, Williams and Yule—28

NOES :—Messieurs Armstrong, Baldwin, Barthe, Barthelot, Borne, Boswell, Bouthillier, Christie, Cook, Crane, Daly, De Lisle, Derbishire, De Salaberry, Dunscomb, Durand, Gilchrist, Harrison, Hincks, Hopkins, Killaly, Merritt, Morin, Neilson, Noel, Parent, Parke, Price, Quesnel, Raymond, Roblin, Steele, Taché and Viger—34. The motion was therefore lost by a majority of six.

Mr. Robert Watts then moved to refer this Petition to the Committee of the Whole House on the Honourable Solicitor General Day's Common School Bill.

As there was, apparently, no desire to prevent the Petitions presented, on this subject, from being read and considered, or to evade a discussion of the question involved. The motion was therefore carried by a vote of 44 to 12, as follows :—

YEAS :—Messieurs Armstrong, Berthelot, Boswell, Buchanan, Burnett, Campbell, Cartwright, Daly, Day, De Lisle, Durand, Foster, Gilchrist, Hale, Hincks, Holmes, Hopkins, Johnston, Killaly, Macnab, McDonald, Merritt, Moffat, Morin, Morris, Neilson, Parke, Powell, Price, Prince, Quesnel, Robertson, Roblin, Simpson, Henry Smith, Harmanus Smith, Steele, Strachan, Thompson, Thorburn, Turcotte, Watts, Williams and Yule—44

NOES :—Messieurs Baldwin, Borne, Bouthillier, Christie, Crane, Derbishire, De Salaberry, Dunscombe, Harrison, Parent, Raymond and Viger—12.

#### SUBSEQUENT PROCEEDINGS IN REGARD TO THE USE OF THE BIBLE IN THE SCHOOLS.

The question of the use of the Bible in the Schools has, since the date of this proceeding of the House of Assembly on the subject, been raised more than once.

In order to ascertain what had been done on the subject in the years subsequently to this vote, I was requested in 1882 by the Honourable (now Sir) Oliver Mowat, Premier of Ontario, to prepare an historical statement on the subject. This I did in an elaborate Report, embracing twenty-five documents. The Report was entitled :

The Bible and Religious Instruction in the Public Schools of Ontario, being extracts from the Reports and Correspondence on the subject in the Education Department, extending from 1846 to 1872."

The Reverend Doctor Ryerson discussed this question very fully in many of his Reports. In one of them he states that, when the Provincial Board of Education was established in 1846, it adopted a series of Regulations for the Common Schools. He then goes on to state that

"The most important of these Regulations was the one relating to Religious Instruction in the Common Schools. Before submitting it to the Provincial Board of Education for adoption, I consulted various representative persons on the subject. In a letter to the Honourable Attorney-General Draper, dated the 17th of December, 1846, I there explained my proceedings in regard to the preparation of the clause in the new Regulations relating to Religious Instruction in the Schools. I said :

"I submitted the religious regulation clause first to the Reverend H. J. Grasett. He quite approved of it, as he felt exceedingly anxious that there should be such an explicit recognition of Christianity in our School System. I then waited on the Roman Catholic Bishop of Toronto, [Power] who examined it and concurred in it. . . . I showed it also to the Church of England Bishop of Toronto [Strachan]. After he had read the section, he said he believed I had done all that could be done on that subject, and that . . . he would write a circular to his clergy, recommending them to act as School Visitors, and to do all in their power to promote the efficiency and usefulness of the Common Schools."

In his Report for 1847, the Reverend Doctor Ryerson stated that he had consulted other Ministers of Religion on the subject. The Honourable William H. Draper, in his reply to the letter from Doctor Ryerson, dated 1st January, 1847, said :

"I am more than gratified than I can express, that you have so successfully met the difficulty about the religious instruction of children in the Common Schools. You, (to whom I expressed myself about three years ago on the subject of the importance of not dividing religion from secular instruction,) will readily understand the pleasure I feel that, in Common Schools, at last, the principle and proposed application of it, for mixed schools, has been approved by the Bishop of my own Church, and by the Roman Catholic Prelate."

In a Letter to the late Honourable Robert Baldwin, then Attorney-General, written in 1849, Doctor Ryerson thus refers to the question of religious instruction and the Bible in schools :

"Be assured that no system of popular education will flourish in a Country which does violence to the religious sentiments and feelings of the Churches of that Country. Be assured that every such system will droop and wither which does not take root in the Christian and patriotic sympathies of the people—which does not command the respect and confidence of the several Religious Persuasions, both Ministers and Laity—for these, in fact, make the aggregate of the Christianity of the Country."

Speaking, in a subsequent Letter, of another feature of the question of the Bible in Schools, Doctor Ryerson said :

"The principal opposition which, in 1846, and for several years afterwards, I encountered was that I did not make the use of the Bible compulsory in the Schools, but simply recognized the right of Protestants to use it in the School, (not as an ordinary reading Book, as it was not given to teach us how to read, but to teach us the way to Heaven), as a Book of religious instruction, without the right, or the power, of compelling any others to use it. The recognition of the right has been maintained inviolate to the present time : facilities for the exercise of it have been provided, and recommendations for that purpose have been given, but no compulsory authority



has been assumed, or right of compulsion acknowledged, and the religious exercises in each School have been left to the decision of the authorities of such School, and the religious instruction of each child has always been under the absolute authority of its Parents or Guardians."

To the objection urged against the reading of the Bible in the Schools, because "a majority of the teachers are utterly unfit to give religious instruction," Doctor Ryerson replied:

"The reading of the Bible and the giving of religious instruction from it are two very different things. The question is not the competency of Teachers to give religious instruction, but the right of a Protestant to the reading of the Bible by his child in the school as a text-book of religious instruction. That right I hold to be sacred and divine." \*

NOTE.—A further reference to this subject will be found on pages 423-432 of *The Story of My Life* (1883). See also pages 12, 262, 270, 274, 276 and 278 of the Third Volume of this Documentary History.

### PROPOSED CHARTER TO "UPPER CANADA ACADEMY" AS "VICTORIA COLLEGE."

The continued success of the "Upper Canada Academy" induced its promoters to seek for it a higher position and status in the Country. They, therefore, applied to the Legislature at this Session, (1841), to grant them an Act of incorporation for the Academy, under the name and style of "Victoria College." Already a Charter had been granted in 1827, to King's College, Toronto; an Act of Incorporation had been passed in 1840, constituting what was afterwards named "Queen's College," Kingston; and it was now proposed to add another Royal name to the list of higher Institutions of learning in Upper Canada. At a Meeting of the Legislature, therefore, held on

*July 6th, 1841.*—Mr. George M. Boswell brought up the Petition of the Reverends William Ryerson, Anson Green, John Ryerson, Egerton Ryerson, Richard Jones, and others, composing the Board of Trustees of the "Upper Canada Academy," praying that the Academy be incorporated under the style and title of "Victoria College," and that an annual grant of money be made to the Institution. The Petition was laid on the Table.

*July 12th, 1841.*—The Petition of the Reverend William Ryerson and others, composing the Board of the "Upper Canada Academy," praying for an Act of Incorporation of the said Academy into a College, which was presented to the House on the 6th instant, was read, whereupon it was

*Resolved*, That the Petition of the Reverend William Ryerson and others, composing the Board of Trustees of the "Upper Canada Academy" be referred to a Select Committee of five Members to examine the contents thereof, and to report thereon with all convenient speed, by Bill, or otherwise, with power to send for persons, papers and records.

*Ordered*: That Messieurs George M. Boswell, John T. Williams, John P. Roblin, the Honourable Solicitor-General Day and the Honourable Robert Baldwin, do compose the said Committee.

The following is a copy of this Petition, prepared by the Reverend Doctor Ryerson, which was referred to the Select Committee of the House of Assembly:

The Petition of the undersigned Board of Trustees of the Upper Canada Academy, incorporated in 1836 by Royal Charter, humbly sheweth:—

That the Ministers and Members of the Wesleyan Methodist Church in Canada, and divers other persons friendly to the Education of Canadian youth in the various branches of Science and Literature on Christian principles, have, at very great labour and expense, erected large, substantial and commodious Buildings in the vicinity of Cobourg, in the Newcastle District, or an Institution of Education, called the "Upper Canada Academy," within the walls of which there is ample room for the boarding and tuition of two hundred students.

That, by the favour and condescension of His late Most Gracious Majesty, King William the Fourth, of blessed memory, the said Institution was materially assisted, and was incorporated by Royal Charter in 1836, under the direction of the Conference of the Wesleyan Methodist Church in Canada, to be managed by a Board consisting of nine Trustees and five Visitors.

That the said Institution has been in successful and continuous operation for the last five years; during which period the average attendance of scholars has been from seventy-five to one hundred and forty, under the care of a Principal, and from five to seven Tutors.

That the erection of the Buildings and establishment of said Institution have been characterised by two Select Committees of the late House of Assembly of Upper Canada as "the greatest undertaking hitherto successfully prosecuted in this Province by means of voluntary contributions alone."<sup>\*</sup>

That the heavy current expenses of said Institution, together with the comparatively moderate charges which must be made for the board and tuition of students, in order to accomplish the objects of its establishment, and preventing Canadian youth from resorting to similar Institutions in the neighbouring States, have left a large annual deficiency in the receipts of the Academy, as compared with the expenditures on its behalf.

That the only sources from which this deficiency can be at present made up are the private subscriptions of the friends and supporters of the Institution.

That, in consequence of this annual deficiency, and the expenses incurred for necessary repairs and improvements, a debt has been incurred of One Thousand pounds (£1,000) and upwards.

That the success of said Institution has been greatly retarded and circumscribed for want of funds, and the standing and privileges of a Collegiate Establishment, both of which are now sought.

That the efficiency and usefulness of said Institution would be greatly increased were it invested with the style and privileges of a College, and endowed by the liberality of the Legislature.

That the most effectual means of promoting the moral and intellectual elevation of a Country, and the surest method of rendering a people happy and contented, is to provide for their moral and educational instruction; an object which has always commanded the earliest and most sedulous attention of the wisest Statesmen, Legislators and Philanthropists.

That Colleges have been incorporated and endowed in connection with the Churches of England, Scotland and Rome in Canada.<sup>†</sup>

That those Churches have received from the Crown, for purposes of religious instruction, grants and endowments, in which the Wesleyan Methodist Church has not participated.

That the Methodist portion of the population of Canada should possess equal facilities with that of any other Church, for the education of its Youth and Clergy.

May it therefore please your Honourable House to take the premises into your most gracious and favourable consideration, and to pass an Act in accordance with the provisions of the Royal Charter for the incorporation of the Upper Canada Academy into a College, under the name and title of "Victoria College," with such privileges as are possessed by the "Queen's College" of the Presbyterian Church of Scotland, at Kingston, and to endow the same with the sum of One Thousand pounds (£1,000) per annum.

And your Petitioners, as in duty bound, will ever pray.

Signed on behalf of the Board of Trustees of the Upper Canada Academy,

WILLIAM RYERSON,  
President.

COBOURG, Newcastle District, July, 1841.

ANSON GREEN,  
Secretary.

(Also signed by JOHN RYERSON, EGERTON RYERSON, RICHARD JONES, and others).

#### EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY, 1841, *Continued.*

July 14<sup>th</sup>, 1841.—A Petition from Mr. Alexander Davidson, presented to the House on the 12<sup>th</sup> instant, praying for an exclusive right to publish "The Canada Spelling Book" for a number of years, was laid on the Table. (No further action was taken on this Petition.)

<sup>\*</sup> See pages 54 and 122 of the Third Volume of this Documentary History.

<sup>†</sup> i.e., King's College, University of Kingston (Queen's College), and Regiopolis College.

FINANCIAL RETURNS OF KING'S COLLEGE AND THE UPPER CANADA COLLEGE.

July 15th, 1841.—The Honourable Samuel B. Harrison, Provincial Secretary, West, presented, pursuant to an Address of the House of Assembly to the Lieutenant Governor, of the 29th of April, 1839, (see page 150 of the Third Volume of this Documentary History.) Statements relating to the Expenditure of King's College and Upper Canada College for 1839-40.

"The following is a Return to an Address from the House of Assembly of Upper Canada, dated 29th April, 1839 :

"Resolved "That an humble Address be presented to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to send down to this House, during the first fifteen days of every Session, statements in detail of the yearly expenditure on King's College and Upper Canada College."

NOTE.—The following Letter, enclosing this Return, was addressed to Mr. T. W. C. Murdoch, Chief Secretary to His Excellency the Governor General, dated King's College Office, Toronto, 26th April, 1841 :

In compliance with the Address of the House of Assembly of Upper Canada to His Excellency Sir George Arthur, of the 29th April, 1839, I have prepared and have now the honour of transmitting to you the following Statements, relative to the affairs of King's College and of Upper Canada College, from the period to which the similar Statements transmitted to you in my Letter of the 16th December, 1839, were closed up, to the 31st December, 1840, videlicet :—

1. A Statement of the Receipts and Disbursements of King's College, from December 1st, 1839, to the 31st December, 1840—thirteen months.

2. A Statement of the Receipts and Disbursements of Upper Canada College for the same period.

3. A Statement of the Receipts and Disbursements of King's College, from its foundation to the 31st of December, 1840.

4. A Statement of the Receipts and Disbursements of Upper Canada College for the same period.

5. A Statement shewing the present condition of the Land Endowment of the two Establishments.

KING'S COLLEGE OFFICE,

H. BOYS,  
Registrar and Bursar of King's College.

TORONTO, 26th of April, 1841.

No. 1.—Statement of Receipts and Disbursements of King's College, Toronto, from the 1st of December, 1839, to the 31st December, 1840, being thirteen months.  
(See page 200 of the Third Volume of this Documentary History.)

Receipts.				Disbursements.			
Particulars of Receipts.		Amount.		Particulars of Disbursements.		Amount.	
		£	s. d.			£	s. d.
Balance on the 30th of November, 1839, as per Accounts already submitted to the Legislature .....		892	14 10	Investments .....		9,136	13 9
Instalments on Sales of Land. 4,294		0	5	Interest on Investments....		126	7 11
Interest on Instalments, 3,080		1	7½	Agency on Investments ....		24	13 8
“ on Debts, 637		12	10	Bursars' Office Salaries....		763	4 0
“ on Investments.....		1,633	19 4	“ Extra Services ...		611	16 10
Rents .....		5,351	13 9½	“ Incidental Expenses		320	9 5½
Debts repaid .....		1,220	10 5	Inspection of College Lands.		327	13 6
Grounds, for Pasturage on ..		3,917	10 0	Loans and Debts.....		1,750	2 6
		82	15 0	Labor on Grounds .....		346	0 11½
				Upper Canada College ....		1,511	12 9
				Advance thereto.....		14,918	15 4
				Balance.....		840	9 1½
Total .....		£15,759	4 5½	Total .....		£15,759	4 5½

KING'S COLLEGE OFFICE,

H. BOYS,  
Bursar and Registrar of King's College.

TORONTO, 31st October, 1840.



No. 2.—Statement of Receipts and Disbursements of Upper Canada College from 1st of December, 1839, to the 31st of December, 1840, both days inclusive, being thirteen months.  
 (See page 200 of the Third Volume of this Documentary History.)

Receipts.				Disbursements.			
Particulars of Receipts.		Amount.		Particulars of Disbursements.		Amount.	
		£	s. d.			£	s. d.
Royal Grant (£1,000 Sterling)		1,111	2 2	Investments . . . . .		1,150	0 0
Instalments on Sales of Land		532	5 0	Salaries of Principal, Masters, and Porter . . . . .		2,738	12 8
Interest on Instalments . . . . .£535 5 1				Incidental Expenses . . . . .		145	19 9
Interest on Loans				Books and Stationary . . . . .		583	9 9
Repaid . . . . . 20 17 0				Boarding House . . . . .		1,423	15 0
		556	2 1	Grounds, Labour on . . . . .		51	16 5
Rents . . . . .		51	19 3	Buildings . . . . .		29	15 11
Dues . . . . .		2,416	8 11	Law Expenses . . . . .		2	10 0
Loans Repaid . . . . .		1,190	0 0	Insurance on Buildings . . . . .		113	10 0
Grounds for Timber . . . . .		7	10 0	Agency . . . . .		4	13 11
Law Expenses Repaid . . . . .		9	6 9	Loans and Debts . . . . .		138	18 6
King's College: (borrowed from that Institution) . . . . .		1,511	12 9	Rent refunded . . . . .		3	5 0
Total Receipts . . . . .		£7,386	6 11	Total Disbursements . . . . .		£7,386	6 11

KING'S COLLEGE OFFICE, TORONTO, 31st December, 1840.
 H. BOYS, Bursar and Registrar of King's College.

No. 3.—Statement of the Receipts and Disbursements of King's College from its Foundation to the 31st of December, 1840.  
 (See page 200 of the Third Volume of this Documentary History.)

Receipts.				Disbursements.					
Particulars of Receipts.		Amount.		Particulars of Disbursements.		Amount.			
		£	s.	d.			£	s.	d.
Grants from the Crown.....	4,999	19	9	Advances to Upper Canada					
Sales of Land.....	61,757	13	10	College*.....	36,352	0	1		
Interest on Purchase Monies				King's College Grounds...	439	2	1		
and Investments .....	16,021	3	2	Improvements thereon.....	7,094	13	11		
Rents .....	13,261	12	4	Buildings .....	1,030	12	4		
				Management.....	8,319	14	2		
				Incidental Expenses .....	2,255	17	0		
				Furniture . ....	142	4	11		
				Balance .....	59,586	4	6		
					36,445	4	7		
Total Receipts.....	£96,031	9	1	Total Disbursements ...	£96,031	9	1		

\*This amount exceeds, by £8 17s. 6½d, the advances acknowledged in the accounts of Upper Canada College. The difference is occasioned by a payment for rent, having been credited to King's College, in place of to Upper Canada College, to which it belonged, the error is rectified, and in future there will be no discrepancies.

STATEMENT No. 3.—Continued.

Particulars of this Balance—	£	s.	d.
Government Debentures.....	27,539	3	9
Uppea Canada Bank Stock.....	250	0	0
Government Bank Stock.....	187	10	0
Mortgages and Funds .....	7,628	1	7
Cash on Hand .....	840	9	3
	£36,445	4	7

BURSAR'S OFFICE,  
TORONTO, the 31st December, 1840.

H. BOYS,  
Bursar and Registrar of King's College.

No. 4.—Statement of the Receipts and Disbursements of Upper Canada College from its Foundation to the 31st of December, 1840.  
(See page 200 of the Third Volume of this Documentary History.)

Receipts.				Disbursements.			
Particulars of Receipts.	Amount.			Particulars of Disbursements.	Amount.		
	£	s.	d.		£	s.	d.
Grants from the Crown.....	9,212	1	5	Buildings and Grounds ....	17,615	2	7
College Dues for Tuition,				Masters .....	34,924	1	2
Books and Boarding.....	15,329	2	2	Books.....	4,732	16	4
Sales of Lands .....	7,813	18	10	Boarding House.....	6,584	7	11
Sales of Town Lots.....	1,033	10	9	Furniture .....	193	16	4
Rents .....	243	14	3	Purchase of Lands.....	1,150	0	0
Interest .....	202	17	3½	Contingencies .....	3,725	16	2
Advances from King's College	36,343	2	6½		68,931	0	10
				Balance .....	1,246	6	5
Total Receipts.....	£70,177	7	3	Total Disbursements ...	£70,177	7	3

Particulars of this Balance—  
Mortgages and Bonds.....£1,246 6s. 5d.

BURSAR'S OFFICE,  
TORONTO, the 31st December, 1840.

H. BOYS,  
Registrar and Bursar of King's College.

No. 5.—Statements shewing the condition of the Endowments in Lands of King's College and of Upper Canada College, on the 31st of December, 1840.  
(See page 200 of the Third Volume of this Documentary History.)

KING'S COLLEGE LAND ENDOWMENT.

	Acres.
Original Endowments in Lands .....	225,944
Lands Sold .....	98,598
Lands Remaining Unsold.....	127,355 acres

UPPER CANADA COLLEGE LAND ENDOWMENT.

	Acres.
Original Endowments in Lands . . . . .	63,279 $\frac{1}{4}$
Lands Sold . . . . .	17,563
Lands Remaining Unsold . . . . .	45,716 $\frac{1}{4}$ acres
	173,071 $\frac{1}{4}$ "

Bursar's Office,  
Toronto, 31st December, 1840

H. Boys,  
Registrar and Bursar of King's College.

THE COMMON SCHOOL BILL OF 1841 IN THE HOUSE OF ASSEMBLY.

*July 15th, 1841.*—On motion of the Honourable Solicitor Day, seconded by the Honourable Samuel B. Harrison, Provincial Secretary West, it was

*Resolved,* That this House will, on Tuesday next, the 20th instant, resolve itself into a Committee of the Whole House, to take into consideration the expediency of repealing certain Laws relating to the establishment and maintenance of Common Schools in the late Province of Upper Canada, and of making provision for the Establishment and Maintenance of Common Schools in this (United) Province.

BILL FOR THE INCORPORATION OF THE UPPER CANADA ACADEMY AS "VICTORIA COLLEGE."

*July 16th, 1841.*—Mr. George M. Boswell, from the Select Committee, to which was referred the Petition of the Reverends William Ryerson, Anson Green, John Ryerson, Egerton Ryerson, Richard Jones and others, composing the Board of Upper Canada Academy, with power to report by Bill, or otherwise,—presented to the House a Bill "To Incorporate the 'Upper Canada Academy' under the name and style of 'Victoria College,'" which was received and read a first time.

*Ordered,* That the said Bill be read a second time on Wednesday next.

*July 19th, 1841.*—The Bill to Incorporate the "Upper Canada Academy," under the name and style of "Victoria College," was, according to order of the House, read a second time.

*Ordered,* That the said Bill be engrossed.

THE COMMON SCHOOL BILL OF 1841.—(Continued.)

*July 20th, 1841.*—The Order of the Day for the House to go into Committee of the Whole, to take into consideration the expediency of repealing certain Laws relating to the Establishment and Maintenance of Common Schools in the late Province of Upper Canada, and of making provision for the Establishment and Maintenance of Common Schools in this Province, being read, the House accordingly resolved itself into the said Committee. Mr. Boutillier took the chair of the Committee, and after some time spent therein, reported that the Committee had come to a Resolution, which was read at the Clerk's Table, and agreed to by the House, and is as followeth :

*Resolved,* That it is expedient to repeal the Acts and parts of Acts of the Legislature of that part of this Province, formerly called Upper Canada, providing for, or relating to, the Establishment, Maintenance, or regulation of Common Schools therein, and to make provision for the Establishment and Maintenance of Common Schools throughout this (united) Province.

*Ordered*—That the Honourable Solicitor General Day have leave to bring in a Bill to repeal certain Acts therein mentioned, and to make provision for the Establishment and Maintenance of Common Schools throughout this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.



The preamble of Mr. Day's Common School Bill being quite comprehensive, I give it entire, as it sets forth the objects of the Bill, as follows :—

WHEREAS the Laws now in force for the maintenance and regulation of Common Schools, extend only to that part of this Province heretofore called Upper Canada, and it is necessary to make provision for the establishment and maintenance of such schools throughout the entire Province ;

*Be it therefore enacted* by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of, and under, the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, [on the 23rd day of July, 1840] and intituled, "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada ;" and it is hereby enacted by the authority of the same, that the Act of the Legislature of the late Province of Upper Canada, passed in the Fifty-Sixth year of the Reign of His late Majesty King George the Third, and intituled, "An Act granting to His Majesty, a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools ;" and the Act of the said Legislature, passed in the Sixtieth year of the Reign of His said late Majesty, and intituled, "An Act to amend and continue, under certain modifications, an Act passed in the Fifty-Sixth year of His Majesty's Reign, intituled : 'An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulation of the said Common Schools ;'" and the Act of the said Legislature passed in the Fourth year of the Reign of His late Majesty King George the Fourth, intituled : "An Act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same ;" and a certain Act of the Legislature of the late Province of Lower Canada, passed in the Second year of the Reign of His late Majesty King William the Fourth, and intituled : "An Act to repeal certain Acts therein mentioned, and for the further encouragement of Elementary Schools in the Country parts of this Province," be and the same are hereby repealed.

Imperial Act, 3 and 4 Vict., ch. 35.  
Act of Upper Canada, 56 Geo. iii. cap. 36.  
Act of Upper Canada, 60 Geo. iii. [or 1 Geo. iv.] cap. 7.  
Act of Upper Canada, 4 Geo. iv. cap. 8.  
Act of Upper Canada, 2 Will. iv. cap. 26.

*Ordered.*—That the said Bill be read a second time this day fortnight.

*Ordered.*—That Two Hundred copies of the said Bill be printed in each of the English and French Languages for the use of the Members of this House.

#### REMARKS OF THE HONOURABLE SOLICITOR GENERAL DAY, IN INTRODUCING HIS SCHOOL BILL.

As this Common School Bill was the first of the kind introduced into the Legislature after the Union of the Provinces, it thus became the foundation of subsequent legislation in regard to Common Schools in Upper Canada. I have thought it, therefore, desirable to give the explanation of its principles and the scope of the measure itself in the language of Mr. Solicitor General Day, who introduced the Bill, taken from the *Canadian Mirror of Parliament*, published at Kingston in 1841. The Speech is clearly not well reported, but I give it as it appeared in the *Mirror*. The observations of other prominent Members of the House of Assembly on the Bill are also taken from the *Mirror*. They will be found both instructive and interesting, as the utterances of the School Legislators of those early days.

On the Order of the Day for going into Committee on the subject of the establishment of Common Schools, Mr. DAY rose and said that the object of the present motion was the repeal of the existing laws on this subject in the two portions of the Province, and the substitution in their place of one general system which should extend to the whole Province, and embrace the entire population.

The subject was one of the greatest importance, and which threw a great moral duty on every man to lend his aid towards supporting it. Those acquainted with the subject well knew that the present measure was but one part of the great general system of National Education, which would take in not merely the establishment of Common Schools, but also of Model, and more especially of "Normal Schools, which would train" up young men to act as teachers and instructors.

By this system the establishment of Common Schools would be the foundation, upon which all the rest would lie; and, if prudence was only observed in proceeding, there was no reason why everything should not be done on this basis which the importance of the subject required. In order, however, to secure success, it was necessary that the system introduced should be ample, effective and popular; and that it should not interfere with the prejudices of those for whose benefit it was intended.

It was not necessary to detain the Committee of the House with the consideration of the several Acts which had existed in Upper Canada; it was sufficient to say that they had proved inadequate for the purpose intended, and that it was necessary that some alteration should take place.

The first Act of the Upper Canada Legislature on the subject of Common School Education in that province was passed in 1816; this Act was extended by another of 1820 which made further provision by extending the aid previously granted. In 1824 another Act was passed, and again in 1839, which was the last attempt at legislation on the subject.\* There was but one opinion on the effect of these measures, that they had proved insufficient, and had failed to effect the important object held out.

By reference to statistics, it would be seen that the total number of children educated at the District (Grammar) Schools was 300, and at the Common Schools, 800, giving out of the total number an average of one only out of eighteen who received the benefit of education.

If then, means for the encouragement of education was so much required in Upper Canada, how much more were they required in Lower Canada. There no legal establishment existed, no provision of the law by which the people could obtain access to education. With the exception of a few Institutions, supported by private benevolence, and maintained by the exertions of a class of men to whom he (Mr. Day) could not pay too high a tribute of praise—he alluded to the Roman Catholic Clergy—no means for public instruction existed.† The total population of that Province was estimated at 600,000 souls, out of which one-fifth, or 12,000 youth, were without the means of education, and this young population was growing up to the exercise of important duties wholly ignorant of the nature of those duties.

He (Mr. Day) would not join in the censure which had been so abundantly dealt out on the Legislature of Lower Canada: the truth was, that there had been a great deal of legislation on the subject, extending back to the 41st George the Third, 1801,‡ which attempted the foundation of a Royal Institution, but was productive of no effect. Since then several Acts had been passed, in 1814, 1818, and lastly in 1823, which last Act was of great importance, and must have produced the most beneficial results. Its effect was to divide the Country into Districts; and so important was it considered that it had been extended by subsequent statutes down to the 2nd William the 4th, chapter 26, (1832,) which existed up to the time of the suspension of the Constitution, since which time no provision for the maintenance of schools had been made.

These facts alone were sufficient to secure the unanimous support of that House; and he would merely add, that he had bestowed great attention upon the materials necessary for the measure, in order to render it worthy of support. Besides his own labours, he had been indebted for much of the information he possessed to a valuable Report furnished by Doctor Charles Duncombe to the Legislature of Upper Canada in 1836, on the subject of Education in the Province,§ as also to the labours of a gentleman named Mr. Christopher Dunkin,|| and to a pamphlet published by a Mr. Mondelet, the tenor, and spirit of which reflected the highest credit on the writer.¶ Mr. Day then moved the reception of the Order of the Day, and introduced his Bill.

\* An Act to authorize the establishment of District Grammar Schools in Upper Canada was passed in 1807. See pages 60, 61 of the First Volume of this Documentary History.

† The reason for this absence of provision being made for Elementary Schools in Lower Canada is given by Mr. John Neilson, in his remarks on the new School Bill, further on.

‡ This Act, (41st George iii. chapter 17.) was passed in 1801, and was intitled: "An Act for the Establishment of Free Schools, and the Advancement of Learning in this Province."

§ This Report will be found on pages 288-322 of the Second Volume of this Documentary History.

|| Afterwards a Judge of one of the Courts in Lower Canada.

¶ The title of this pamphlet is "*Lettres sur l'Education Elémentaire et Pratique*, pages 60, Montreal, 1841.

## REMARKS OF OTHER PROMINENT MEMBERS OF THE HOUSE OF ASSEMBLY ON THE BILL.

Mr. NEILSON, of Quebec, said that there could, of course, be no objection on his part to any alteration which might be considered necessary in the law relating to Common Schools in this part of the Province. But with respect to the Eastern part, a portion of which he had the honour to represent, he could state, from his own personal knowledge, that great efforts had been made by the people themselves—and these efforts, he was happy to say, were successful—to educate the rising generation. . . . The dissensions between different branches of the Legislature in Lower Canada afterwards unhappily put an end to the system of education then in practice, and left that Province without any provision for Common Schools, and nothing remained but what could be derived from the efforts of the people themselves; and he believed it was now going on in such a way that, whether assistance were given to them, or not, the people would be educated. . . . Notwithstanding this, he would be happy to see the work facilitated by some organized system, by which the people might be fully enabled to educate their children according to their wishes and their feelings; and, above all, their religious opinions should not be interfered with. He, (Mr. Neilson,) would cheerfully concur in the Resolution, . . . but he would, at the same time, watch with great earnestness any thing which he thought was calculated to interfere with the religious prejudices of the people.

Captain ELMES STEELE, of Simcoe, would observe that that part of the Speech of His Excellency the Governor-General, which referred to the subject of Education had been received with immense satisfaction throughout the whole Western part of the Province, and he was happy to perceive that a similar spirit seemed to prevail in Lower Canada. He hoped the House would unite in producing as perfect a System of Education as possible; that each denomination of Christians may educate their children according to the principles of their own faith. He thought there should be some plan devised by which they would be saved the necessity of employing, in the education of their children, every adventurer who chooses to come across the lines and propagate his political doctrines here.

Mr. WILLIAM HAMILTON MERRITT, of Haldimand,\* said: this was a question which he had heard discussed for a number of years, and, up to the present time, he was sorry to say, without any beneficial result. He thought, before the system already in existence was condemned, or set aside, they ought to be well assured that they had the means of establishing a better one. They might look with great advantage to other countries for examples on the subject of education. In the State of Connecticut a fund was provided by the government equal to the sum which the people were willing to raise voluntarily, and they had by these means an aggregate of four millions of dollars annually for the support of Common Schools.† The result of such a system was, that, according to returns which might be relied upon, there was but few persons in the whole state who were unable to read or write.

He hoped the honourable Gentleman who introduced the Bill, would point out some means for providing for a permanent fund for the maintenance of Schools, which, up to the present moment, has not been the case. Although, as far back as 1797, a large appropriation of lands had been made for the support of Grammar Schools, yet that appropriation had afterwards been diverted to other purposes.

The Honourable SAMUEL B. HARRISON, Provincial Secretary, West, ‡ said he was exceedingly happy to hear the observations of the honourable gentleman, for it fortunately happened that the plan which he recommends is the very one which is intended by the Government to be pursued. The fund is provided by the Legislature. With regard to an appropriation of lands,

\* See Mr. Merritt's Remarks on School Bill of 1835 on page 178 of the Second Volume of this Documentary History.

† Mr. Merritt must have been very much misinformed in regard to school matters in the State of Connecticut at this time. His speech, as reported in the *Canadian Mirror of Parliament*, for 1841, volume I., page 74, and is copied as above, contains the statement that in Connecticut "they had . . . an aggregate of four millions of dollars annually for the support of the Common Schools." As a matter of fact the Capital of the Connecticut School Fund in 1848 was only \$2,077,641. The people of the State raised by taxation a certain sum; and that sum, with the interest on the capital of the School Fund formed the "aggregate," out of which the Schools received a share *pro rata*. The policy of having a large school fund has often been questioned; and, in 1849-50, a prize essay was published in the Connecticut School Report for the year, in which it was stated that, while Connecticut had, in years gone by, been the first to enter the educational race of progress and her name was mentioned with honour, now it is "coupled with expressions of doubt and regret, and that by wise and sober men. Her large State endowment for schools is described 'as having put her effectually asleep, as having sent her to 'Sleepy Hollow,' from the influence of which, when she is aroused, for a moment, it is to talk of her noble School Fund and its promoter, James Hill-house, just as Rip Van Winkle did of his neighbours who had been dead forty years.'"—*Journal of Education for Upper Canada*, Volume III. (1850), pages 130-132.

‡ For reference to Mr. Harrison, see page 242 of the Third Volume of this Documentary History.



an investigation has been going on, and he trusted that before the end of this session, a very satisfactory Report would be laid before the Legislature.

MR. GEORGE M. BOSWELL of Northumberland said that the learned Gentleman, who introduced the Resolution, had very properly abstained from entering at large upon the details of the measure which he intended to found upon it; but he, (Mr. Boswell,) was convinced it was a subject of congratulation to the country that now, for the first time, a Minister of the Government comes down to this House and proposes a measure for the promotion of Education. However we may differ from the minute details, the very fact of the measure being proposed by a Minister of the Government is a subject of congratulation. The honourable Gentleman from Haldimand says, before we condemn the old plan let us know what the new one is to be. Sir, I have heard the old system condemned from one end of the Province to the other. That it is necessary to adopt some change there can be no doubt; there is no difference of opinion upon this point; and I trust that, when the plan of the honourable and learned Gentleman is brought before the House, it will be found to be so liberal in its nature that they will feel it their duty to give it their entire support.

MR. MERRITT observed that he was very happy to find that a permanent fund was intended to be appropriated. Under these circumstances he had no idea of opposing the measure.

MR. EDWARD HALE, of Sherbrooke, Lower Canada, said he was happy to find that the measure was to have reference to the various sections of the Province. He confessed that he was startled at the expressions made use of by the honourable Gentleman from the Province of Quebec, (Mr. Neilson), that he would watch with scrupulous care the introduction of a system of education which should have reference to Lower Canada. He (Mr. Hale) was induced to believe from this expression, that the honourable Gentleman had a lurking desire that the union of these Provinces should not be consummated.

MR. D. B. VIGER, of Richelieu, Lower Canada, said the honourable Gentleman seemed to be under a misapprehension with regard to the desire of Mr. Neilson, the honourable Member from Quebec. What they desired was that there should be no distinction in religious matters. He, (Mr. Viger,) could not see any great harm in this. They desired that no monopoly should be established; such things were destructive of the peace of society. They had examples both in Germany and France of government monopolies in the conducting of education, and they had been attended with the greatest abuses. We of Lower Canada wish it to be particularly understood that all classes should be equal in the eye of the law, as regards civil and religious liberty. This is a principle which we desire to assert, and which we desire to see put into practice. The honourable Gentleman declares that nothing has been done to remove the extreme ignorance which he represents as prevailing in Lower Canada. He (Mr. Viger) was far from saying that they were in no need of instruction, but this much he would say, that they were not altogether in the state which the honourable Gentleman would have the House to believe. He would say further, that the efforts made by the Lower Canada House of Assembly to promote Education had been extremely successful.

MR. BENJAMIN HOLMES, of Montreal, said he had heard with great satisfaction the announcement which had been made to this House by the honourable member for Ottawa, (Mr. Day), of his determination to bring forward a system of General Education, to be provided for by a grant from the Legislature. He could assure the honourable Gentleman that he could not bring forward a measure which would be received with more approbation than this one. There had been several petitions presented to that House, praying that the Holy Scriptures might be introduced as a Text-book in schools. He (Mr. Holmes) could not bring his mind to acquiesce in this proposition. Every man is answerable for his religious belief to his own conscience and to his God; and every man should be at liberty to instruct his children in that faith which his conscience dictates.

MR. FRANCIS HINCKS, of Oxford, said that he would support the Resolution with great satisfaction, as he perceived that a fund for the purposes of general education was to be created from the lands originally set apart for the support of schools within the Upper Province, and from what was called the Jesuits' Estates in Lower Canada.\* With regard to the school lands,

\* In a Memorial addressed by the Right Reverend Doctor John Strachan (Church of England) Bishop of Toronto, to the Legislature of United Canada in November, 1843, he stated that the appropriation of Lands to the Jesuit Order in Lower Canada for educational purposes, was 891,845 acres. A schedule of these lands, made in 1787, and entered in the Journals of the House of Assembly of the Session of 1821, gives the aggregate of these estates at 616,500 acres. In a letter from the Reverend A. D. Turgeon, Head of the Jesuit Order in Quebec, to the Honourable Honoré Mercier, dated Quebec, 20th May, 1888, (recited in the Act of 1888 for "the Settlement of the Jesuit Estates") he says: "Competent men whom I have consulted at Montreal, Quebec and Three River, do not hesitate to state that the Jesuit Estates are worth at least \$2,000,000." The right of the Province of Upper Canada to a portion of these Estates, as formerly part of the Province of Quebec, is referred to in an Address to the King, which was adopted by the House of Assembly of that Province on the 28th of January, 1832. See page 63 of the Second Volume of this Documentary History.

he, (Mr. Hincks), was aware that there had been a great misapplication of the funds proceeding therefrom. He would regret exceedingly that a similar grant should be again made to so little purpose. They had experienced trouble enough with those grants. The Clergy Reserves was another example. It was known that great complaints arose regarding such grants, from the circumstances that they obstruct the settlement of the country. This was an important point. For these reasons he was averse to having any lands, more than had been already granted for that purpose, appropriated; and he trusted that those already granted would be disposed of as speedily as possible. It was impossible to enter into a discussion of the subject without having the details before them; but so far as he had an opportunity of judging the measure, from what he had already seen, he had no hesitation in giving it his cordial support.

MR. JAMES DURAND, of Halton, said that he should be extremely happy to support the Resolution. The subject of Education was one which was viewed with extraordinary interest by the whole country. There had been in 1797, a munificent grant of half a million of acres, which would have amounted at least to two millions of dollars, if sold. A sufficient sum would thus have been secured for the purpose of endowing schools throughout the whole Province. The question is now, what are we going to get in lieu of this fund? I think the people of the Province are, at all events, entitled to an equivalent.

Colonel PRINCE, of Essex, said that this was a most important subject; no subject brought before the House could be more so. He, however, would make objections to honourable Members going into the details of the Bill on the present occasion. The simple question is whether or not the Bill ought to be introduced. He is and always has been, a strong advocate for Common Schools.

If properly conducted they will be productive of immense good to the Country and become the great basis of liberty. Under all circumstances, and at all times, Scotland has been celebrated for its educational system, and, therefore, he would be willing to pay the greatest deference to the opinions of Mr. Neilson, the honourable Member for the County of Quebec, on a question of this kind. The honourable Member paid a high tribute of respect to Colonel Barwell, late Member for London, for his exertions on this subject.

MR. A. N. MORIN, of Nicolet, Lower Canada, said that there was provision for education in Lower Canada, but no good had resulted from it, as the Government was not responsible for its success.

MR. DAVID THORBURN, of Lincoln, said that this was one of the great measures that he had supported in common with the scheme of union. It was a measure to prove that "the school-master was abroad." If the people have no education they can have no intelligent means of controlling the doings of the Government, and, in such a case, it does just as it pleases. A Dispatch had been sent to this Colony to change the lands set apart for educational purposes for better lands. He trusted this would not be overlooked.\*

MR. HARRISON replied that all sums previously allowed were embodied in the accounts in possession of the House.

MR. JAMES H. PRICE, of the County of York, said that he trusted that this Bill would bring the Schoolmaster home to every Village and Township, and he congratulated the Country upon the prospect of a better state of things being about to be introduced. It had been a source of regret to him that hitherto all attempts at legislation on the subject of Education in this Province had been made with a view to proselyte the youth of the Country to one favourite dominant Church. If the Bill, now about to be introduced, should be free from sectarianism, and otherwise be liberally intended, it should have his, (Mr. Price's,) cordial support; but, on the other hand, if it were to be trammelled with religious prejudices and enactments, it should meet his most determined opposition. The success of a Ministry and the prosperity of a country depend very much upon the moral instruction of the people, and, if the Executive Government expect to obtain that popularity which every friend of civil and religious liberty should aim at, they must give the Country the advantage of a good, liberal and extensive System of Education, and then a good Government will have materials to operate upon, which, while it confers honour and credit upon the Executive, will, on the other hand, give moral influence and power to the people—a power which will be a formidable check upon bad government and a strong support to a good one. My honourable friend from North Lincoln, (Mr. Thorburn,) has stated that a great deal has been said and done in former Parliaments on this important subject, and that funds have been set apart for the purpose of education, but were diverted to some object other than that for which they were intended. That is not the question; the question is, shall a liberal and extensive system of Education be introduced into the Country, or not? My rooted and settled opinion is that all good Governments are bound to provide for the education of the youth of the

\* This exchange of School Lands was authorized by the Imperial Government in 1827. See page 205 of the First Volume of this Documentary History.



Country ; and, should there be no means within the reach of the present Executive, I, as an independent Member of this House, am willing to provide the necessary means by taxation ; as no tax could be more just and equitable than one judiciously levied and fairly laid out for the moral education of the people ; and I am satisfied that my constituents will bear me out in my vote upon such a measure. I trust that the honourable and learned Solicitor General, when he brings in the Bill, will not disappoint this House and the Country by introducing any i liberal enactments to mar the present universal satisfaction the prospect of the measure has given.

## CHARACTER OF THE PROPOSED COMMON SCHOOL LEGISLATION OF 1841.

### PROVISION FIRST MADE FOR SEPARATE SCHOOLS IN UPPER CANADA.

I have given above the proposal made by the Honourable Solicitor General Day, Member for the County of Ottawa, in Lower Canada, and assented to by the House of Assembly, that he should be permitted to introduce a Bill to repeal all the previous Common School Legislation of Upper Canada then in force. As a substitute for this Legislation, he desired to introduce a new and comprehensive measure for the Establishment and Maintenance of Common Schools in both Upper and Lower Canada.

It will be noticed that, up to this time, (as explained by Mr. Neilson, when this Bill was introduced,) there was only one Legislative enactment, which related to Elementary Schools in existence in Lower Canada, and that was a recent one, (2 William IV., Chapter 26,) passed in 1834, which provided for the maintenance of "Elementary Schools in the country parts of (that) Province." In Upper Canada, there were three enactments relating to Schools in existence, which Mr. Day's Bill proposed to repeal. These Upper Canada School Acts were the 56th George III., Chapter 36, passed in 1816 ; the 60th George III., (cited as 1st George IV.,) Chapter 7, passed in 1820 ; and 4th George IV., Chapter 8, passed in 1824.

NOTE—These several School Acts of Upper Canada will be found on pages 102, 172 and 197 of the First Volume of this Documentary History.

Mr. Day's projected Bill did not propose to deal with the Grammar, (then called Public,) Schools, and hence his measure did not provide for the repeal of any of the Upper Canada Acts relating to the Public (Grammar) Schools. The Legislative Council, however, as may be seen by referring to its proceedings, took up the question of Grammar Schools in Upper Canada, and their maintenance, and passed an elaborate series of Resolutions on the subject, which it afterward embodied in a Grammar School Bill, and, having passed it, sent it to the House of Assembly for its concurrence. The Council Bill there received two readings, and was then dropped, or was practically merged in the School Lands Appropriation Act. The House of Assembly also agreed to a Resolution for repealing the last Grammar School Act, passed by the Upper Canada Legislature in 1839, (2 Victoria, Chapter 10,) but took no further steps, (by way of further Resolutions,) in the matter. It, however, passed an Act, (4 and 5 Victoria, Chapter 19,) as will be seen from the Parliamentary proceedings, to provide for the temporary application of funds derived from the sale of School Lands to the support of Grammar



Schools. This measure repealed the foregoing last enacted Upper Canada Grammar School Act of 1839 intituled: "An Act for the Advancement of Education," (2nd Victoria, Chapter 10), to which I have referred at length on pages 156, 158 and 172 of the Third Volume of this Documentary History.

Quite a number of Petitions were presented to the House of Assembly, during the Session of 1841, chiefly from Lower Canada, praying "for aid to, and on the establishment and management of, Schools," and "for an efficient system of Education in the eastern part of the Province."

Two other notable Petitions were presented to the Legislature on this subject. One was from the Church of England Bishop of Toronto, and the other was from the Roman Catholic Bishop of Kingston.

#### THE PRINCIPLE OF SEPARATE SCHOOLS IN UPPER CANADA FIRST ADVOCATED IN 1841.

The principle of Separate Schools was clearly laid down in the Petition of the Right Reverend Doctor John Strachan, Church of England Bishop of Toronto, and his Clergy, which was presented to the Legislature of United Canada at its first Session. This Petition prayed: "That the Education of the Children of their own Church may be entrusted to their own Pastors; and that an annual grant from the assessments may be awarded for their instruction;" in other words, Bishop Strachan and his Clergy, in their Petition, maintained the doctrine of Separate Church of England Schools, supported in part, at least, out of the public funds and the local assessment rates.\*

The Petition presented to the Legislature by the Right Reverend Doctor Remegius Gaulin, Roman Catholic Bishop of Kingston, did not, in express terms, advocate the principle of Separate Schools, but it stated "objections to the principles" of the proposed Bill of the Honourable Solicitor General Day. This Petition, (as entered on the Journals of the House of Assembly), is mentioned as having "stated objections against the principles of the Bill for the establishment of Common Schools now before the House, and desiring that it may not become Law until the opinion of the Catholics and other Religious Denominations be known."

The subsequent proceedings of the House of Assembly, in regard to the Honourable Solicitor General Day's Bill, clearly showed that the desire expressed in the Petition of Bishop Gaulin was practically granted, for, during the passage of the Bill through the House, a mixed general Committee, which had been appointed, introduced an amendment to the Bill providing for the establishment, under certain conditions, of Roman Catholic Separate Schools, and of Protestant Separate Schools, but not for Church of England Separate Schools, as prayed for by Bishop Strachan and his Clergy.†

\*For about twenty five years after this Petition was presented to the House of Assembly, Resolutions to the same effect were annually agreed to and presented to the Legislature by Synods and other official gatherings of Members of the Church of England in Upper Canada.

†The appointment of this mixed general Committee to deal, at its pleasure, with a Government measure was clearly a violation of the principle of "Responsible Government," as asserted and expounded, in the early part of the Session, by Members of the Government, who were Members of the House. (See page 33 of Volume One, of the *Canadian Mirror of Parliament* for June 30th, 1841.)

EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY, (*Continued.*)

*July 23rd, 1841.*—An engrossed Bill : “To incorporate the ‘Upper Canada Academy’ under the name and style of ‘Victoria College,’” was read for the third time.

*Resolved*, That the Bill do pass.

*Ordered*, That Mr. George M. Boswell do carry the said Bill to the Legislative Council and request their concurrence to it.

*July 30th, 1841.*—The Petition of the Reverend James George, Moderator of the Synod of the Presbyterian Church of Canada, on behalf of that Church, which was presented to the House on the 28th instant, was read. The Petition prayed that an enactment be made for the use of the Bible in all the Schools of the Province. (See page 5, *ante*.)

*August 3rd, 1841.*—The Bill to repeal certain Acts therein named, and to make provision for the Establishment and Maintenance of Common Schools throughout this Province, was, according to the order of the House, read a second time.

*Ordered*, That the said Bill be referred to a Committee of the Whole House on Tuesday next.

*August 4th 1841.*—Pursuant to the Order of the Day, the following Petitions, which were laid before the House on the 2nd instant, were read : (1) Of Mr. Neil McDonald and others, Trustees of a School in the Township of Georgina, praying for an aid towards the support of the said School, and to build an House for the Teacher ; (2) Of Messieurs William Cox, Ezra Annis, and others, of the Township of Whitby, praying for the establishment of Schools, and that the Bible be read as a Class Book in said Schools.

Mr. James E. Small moved, seconded by Mr. Benjamin Holmes, That the Petitions of Messieurs William Cox, Ezra Annis, and others, of the Township of Whitby, praying for the establishment of schools, and that the Bible be used, as a Class Book, in the said Schools, be referred to a Committee of five Members, to examine the contents thereof ; and to report thereon with all convenient speed, by Bill or otherwise, with power to send for Persons, papers and records.

Mr. Robert Baldwin, moved, seconded by Mr. Francis Hincks, That the further consideration of the said motion be postponed. The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth :—

YEAS :—Messieurs Baldwin, Berthelot, Borne, Boutillier, Child, Christie, Cook, Crane, DeLisle, De Salaberry, Gilchrist, Harrison, Hincks, Hopkins, Killaly, Morin, Neilson, Noel, Parent, Parke, Price, Raymond, Roblin, Steele, Tache and Viger.—26.

NOES :—Messieurs Boswell, Burnett, Cameron, Campbell, Cartwright, Day, Foster, Hall, Holmes, Johnston, Macnab, Merritt, Moffatt, Morris, Powell, Prince, Robertson, Simpson, Small, Strachan, Thompson, Thorburn, Turcotte, Watts and Williams.—25.

So it was carried in the affirmative, by a majority of one, and was ordered accordingly.

A Message from the Legislative Council, by Mr. John Godfrey Spragge, Master-in-Chancery, was received and read

MR. SPEAKER,—

The Legislative Council have passed the following Bill, without any amendment :—

An Act to “Incorporate the Upper Canada Academy” under the name and style of Victoria College.”

*August 10th, 1841.*—*Ordered*, That the Petition of the Reverend James George, Moderator, on behalf of the Synod of the Presbyterian Church of Canada, presented to this House on the 28th of July last ; and of Messieurs William Cox, Ezra Annis, and others of the Township of Whitby, presented to the House on the 2nd instant, be referred to a Committee of the Whole House on the Bill to repeal certain Acts therein mentioned, and to make provision of the Establishment and Maintenance of Common Schools throughout the Province.

SELECT COMMITTEE OF THE HOUSE ON THE COMMON SCHOOL BILL OF 1841.

The order of the day for the House to go into Committee on the Bill to repeal certain Acts, therein mentioned, and to make provision for the Establishment and Maintenance of Common Schools throughout this Province, and also on the several Petitions referred to the said Committee, being read, on motion of the Honourable Solicitor General Day, seconded by the Honourable Samuel B. Harrison, Secretary of the Province, West, it was

*Ordered*—That the said Order of the Day be discharged, and that the said Bill and Petitions be referred to a Select Committee, composed of Messieurs Neilson, Simpson, Cartwright, Moffatt, Cameron, Quesnel, Dunscombe, Merritt, Aylwin, Christie, Morin, Parke, Child, Thor-

burn, Hincks, Prince, Parent, Robertson, Holmes, Foster, Berthelot, [and the Mover and Seconder] to report thereon with all convenient speed, with power to send for persons, papers and records.

PETITIONS THAT THE BIBLE BE A CLASS BOOK IN THE SCHOOLS.

*August 11th, 1841.*—The following Petitions were read : (1), Of the Reverend Arthur Palmer, and others, members of the Board of Education in the District of Wellington ; (2), Of the Presbyterian Congregation of South Gower, in connection with the Church of Scotland ; (3), Of Mr. Richard Loucks, junior, and other members of the Presbyterian Congregation of Oranbruck, presented respectively to the House on the 9th instant, praying,—in the case of Petition number one above,—that the Holy Scriptures may be taught in all the Schools in the Province ; in the case of Petition number two, above, praying that, if a new system of Education be adopted, the Bible may be used as a Class Book in the Schools ; and, in the case of Petition number three, above, praying for the introduction of the Bible as a Class Book in all the Schools and Colleges of the Province.

*Ordered*—That the Petition of the Presbyterian Congregation of South Gower, in connection with the Church of Scotland, be referred to the Select Committee, to which is referred the Bill to repeal certain Acts therein mentioned, and to make provision for the Establishment and Maintenance of Common Schools throughout this Province.

*August 17th, 1841.*—On motion of Mr. John Neilson, seconded by Mr. T. C. Aylwin, and

*Resolved*,—That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before the House a statement of the sums of money received into the Receiver General's Chest, in each year subsequently to the 25th of February, 1832, arising out of the Estates of the late Order of Jesuits, and of the amount thereof at the disposal of the Legislature for the "purposes of Education exclusively," conformably to the first clause of the Statute of Lower Canada, of the 2d William the Fourth, Chapter 41.

*Ordered*—That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

*August 20th, 1841.*—The following Petitions were read : (1) Of the Right Reverend Bishop Strachan, and Clergy of the Church of England in Toronto, praying that "the Education of the children of their own Church may be entrusted to their own Pastors ; and that an annual grant from the assessments may be awarded for their instruction" ;

(2), Of The Right Reverend Remegius Gaulin, Roman Catholic Bishop of Kingston, and of the Reverend Messieurs A. Mauseau and H. Hudon, Administrators of the Roman Catholic Diocese of Montreal, stating objections against the principles of the Bill, for the establishment of Common Schools, now before the House, and desiring that it may not become Law until the opinion of the Catholics, and other Religious Denominations be known.

*Ordered* That the Petition of the Right Reverend John Strachan, the Church of England Bishop and Clergy of Toronto, be referred to the Select Committee on the Bill to make provision for the Establishment and Maintenance of Common Schools throughout the Province.

*August 24th, 1841.*—*Ordered*—That the Petition of the Right Reverend the Roman Catholic Bishop of Quebec, and the Right Reverend the Bishop of Sidyne, his Coadjutor, stating that they entertain a hope that when the House will adopt a Law for the encouragement of Education in this Province, they will watch carefully that it shall contain no enactment which can prejudice the interests of Her Majesty's Roman Catholic subjects ; also that it will be based on principles of justice,—be referred to the Select Committee on the Common School Bill.

*August 25th, 1841.*—*Ordered*, That the Petition of the Right Reverend Remegius Gaulin, Roman Catholic Bishop of Kingston and others, presented to this House on the 18th instant, be referred to the Select Committee on the Common School Bill.

*August 25th, 1841.*—The Honourable D. Daly, Secretary of the Province, East, presented, pursuant to an Address of the House of Assembly, of the seventeenth instant, a Return on the subject of the monies paid to the Receiver General, subsequently to the 25th of February, 1832, out of the Jesuits' Estates.

The following is the Return to an Address from the House of Assembly to His Excellency the Governor General,—dated 17th August, 1841, praying for "a statement of the sums of money received into the Receiver General's Chest in each year, subsequent to the 25th February, 1832, arising out of the estates of the late Order of Jesuits, and of the amount thereof, now in the hands of the Receiver General at the disposal of the Legislature, for the purposes of Education exclusively, conformably to the first clause of the Statute of Lower Canada, 2nd William IV., chapter 41."

D. DALY,

SECRETARY'S OFFICE,

Secretary, East.

KINGSTON, 20th of August, 1841.



Statement of the sums of money received into the Receiver General's Chest in each year, subsequently to the 25th February, 1832, arising out of the Estates of the late Order of Jesuits, and of the amount thereof, now in the hands of the Receiver General at the disposal of the Legislature, for the "purposes of education exclusively," conformably to the first clause of the Statute of Lower Canada, 2nd William 4th, chapter 41.\*

<i>Statement of Moneys received from the Jesuits' Estates, as above.</i>		Halifax Currency.		
		£	s.	d.
Balance in the Receiver General's hands on the 10th October, 1831	....	1,870	10	8½
Amount received in 1832	.....	2,695	14	9½
do 1833	.....	1,600	6	6½
do 1834	.....	1,654	11	6½
do 1835	.....	1,767	5	8½
do 1836	.....	2,139	2	9
do 1837	.....	2,207	17	11
do 1838	.....	1,911	4	8½
do 1839	.....	1,563	5	5½
do 1840	.....	1,923	7	6½
do 1841	.....	1,497	18	8½
Total in Halifax Currency	.....	£20,831	6	4½
Less amount of payments made in 1832, on appropriations by Provincial Act, 2nd William 4th, chapter 41	.....	917	11	11
Balance now in hands of the Receiver General in Halifax currency	.....	£19,913	14	5½
Equal in Sterling to	.....	£17,922	7	0

INSPECTOR GENERAL'S OFFICE,  
KINGSTON, 20th August, 1841.

JOSEPH CARY,  
Inspector General of Public Accounts.

On motion of Mr. John Neilson, seconded by Mr. J. M. Raymond, it was

*Ordered*—That the said Return be referred to the Select Committee, to which was referred the Bill, to repeal certain Acts therein mentioned, and to make provision for the Establishment and Maintenance of Common Schools throughout this Province.

Mr. George M. Boswell moved, seconded by Mr. John Gilchrist, That this House do now resolve itself into a Committee of the Whole House to take into consideration that part of the Petition of the Reverend William Ryerson and others, composing the Board of the "Upper Canada Academy," which prays for "aid to the said Institution, so as to maintain and extend its useful operations."

The question having been put upon the said Motion, a division ensued, and the names, being called for, they were taken down as followeth:—

YEAS : Messieurs Boswell, Cameron, Campbell, Crane, Derbyshire, Dunn, Durand, Dunlop, Foster, Gilchrist, Harrison, Holmes, Hopkins, Morris, Parke, Roblin, Smith, (H.), Small, Thompson, Woods.—20.

NOES : Armstrong, Aylwin, Baldwin, Barth, Boutillier, Burnet, Cartwright, Christie, Dunscombe, Hincks, Johnston, Macdonald, (J. S.), Neilson, Parent, Rice, Quesnel, Ruet, Tache, Turcotte, Viger, Watts and Yule.—22.

So it passed in the negative by a majority of two votes.

\*This Act, 2nd William iv., Chapter 41, was passed on the 25th of February, 1832. The first clause, or section, of it is as follows:—"From and after the passing of this Act, all monies arising out of the Estates of the late Order of Jesuits, which now are in, or may hereafter come into the hands of the Receiver General of the Province, shall be placed in a separate Chest in the Vaults wherein the public monies of the Province are kept, and shall be applied to the purposes of Education exclusively, in the manner provided by this Act, or by any Act, or Acts, which may hereafter be passed by the Provincial Legislature in that behalf, and not otherwise." (See page 64 of the Second Volume of this Documentary History.)

*September 3rd, 1841.—Ordered*,—That the Petition of the Reverend Hugh Urquhart, and the Elders of St. John's Church, Cornwall, presented to the House on the 25th of August last, be referred to the Select Committee [on the Common School Bill].

*September 4th, 1841.—Ordered*—That the Petition of the Reverend Daniel Allan and others, inhabitants of Stratford and vicinity, presented to the House on the 2nd instant, and praying that the Bible may be used as a Class Book in all the Schools of the Province,—be referred to the Select Committee [on the Common School Bill.]

*September 5th, 1841.*—Pursuant to the Order of the Day, the following Petitions were read : (1), Of Mr. William Logie, and others, inhabitants of Kingston and its vicinity ; (2), Of the Reverend William Smart and other inhabitants of Brockville, praying that the Legislative Assembly will adopt such measures for the management of the Grammar Schools in this Province as shall command the confidence of all classes of the community ; (3), Of the Reverend Alexander Gale and others, Trustees of the Gore District Grammar School, praying that certain amendments may be made to the Act establishing District (Grammar) Schools and to the Act of 1839, 2nd Victoria, Chapter 10, "for the Advancement of Education," converting them into Grammar Schools.

*September 6th, 1841.*—The Honourable Solicitor General Day, from the Select Committee to which was referred the Bill to repeal certain Acts therein mentioned, and to make provision for the Establishment and Maintenance of Common Schools throughout the Province, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

*Ordered*,—That the said Bill and Report be referred to a Committee of the whole House on Thursday next.

A message from the Legislative Council by Mr. John Godfrey Spragge, Master-in-Chancery, was read.

MR. SPEAKER :

The Legislative Council have passed the following Bill, to which they desire the concurrence of the House of Assembly : "An Act to repeal a certain Act therein mentioned, [2nd Victoria, Chapter 10, of 1839,] relating to Education, and to make other provision for the encouragement thereof." On motion, this Bill was read for the first time.

*September 9th, 1841.*—On motion of Mr. James Morris, seconded by Mr. John P. Roblin and

*Resolved*,—That the Petitions relating to Grammar Schools (1), of Mr. William Logie and others, inhabitants of Kingston and its vicinity ; (2), of the Reverend William Smart and others, inhabitants of the Town of Brockville ; (3), of the Reverend Alexander Gale and others, Trustees of the Gore District (Grammar) School, presented to the House on the 3rd instant ; and the Petitions (4), of Mr. A. Gardiner, and others, inhabitants of the Township of Nicol and Garafraxa, in the County of Waterloo, and District of Wellington ; and (5), of Mr. James Chep and others, inhabitants of West Flamborough and Ancaster in the District of Gore, presented to the House yesterday ;—be referred to a Select Committee, composed of Messieurs Thorburn, Merritt, Dunscomb and Roblin, to examine the contents thereof, and to report thereon with all convenient speed, by Bill, or otherwise ; with power to send for persons, papers and records.

On motion of Mr. James Morris, seconded by Mr. William H. Merritt, it was

*Ordered*,—That the engrossed Bill from the Legislative Council, intituled : "An Act to Repeal a certain Act therein mentioned, relating to Education, [2nd Victoria, Chapter 10, of 1839,] and to make other provision for the encouragement thereof," be now read a second time. The said Bill was accordingly read a second time.

*September 10th, 1841.*—On motion of Mr. John P. Roblin, seconded by Mr. William H. Merritt, it was

*Ordered*,—That this House will, to-morrow, resolve itself into a Committee of the Whole House, to take into consideration the expediency of repealing an Act of the Legislature of the late Province of Upper Canada passed in the second year of Her Majesty's Reign, [Chapter 10, of 1839,] intituled : "An Act to provide for the Advancement of Education in this Province."\*

#### PARLIAMENTARY GRANTS TO SCHOOLS AND TO UPPER CANADA COLLEGE.

Mr. John P. Roblin, from the Committee of Supply, to take into consideration the Message of His Excellency, the Governor-General, relating to the Estimates for the year ending 31st of December, 1841 ; and the Report of the Select Committee, to which was referred so much of

\*A copy of this Act will be found on pages 170, 171 of the Third Volume of this Documentary History.

the Message of His Excellency, the Governor General, as relates to the said Estimates,—together with the documents connected therewith, reported, according to order; the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table and [those relating to Education] are as followeth :—

*Resolved*,—That a sum not exceeding Six Hundred and Nineteen pounds, three shillings, and six pence, currency, (£619 3. 6.) be granted to Her Majesty, to defray the charge on the annual appropriation for Common Schools, of that part of this Province heretofore Upper Canada for the same period.

*Resolved*,—That a sum not exceeding Five Thousand and Thirty pounds, sixteen shillings, and six pence, currency, (£5,030 16. 6.) be granted to Her Majesty, for the support of Common Schools, in that part of this Province, heretofore Upper Canada, from the 10th of February to the 31st of December, 1841, both days inclusive.

*Resolved*,—That a sum not exceeding Nine Hundred and Eighty Nine pounds, six shillings, and ten pence, half penny, currency, (£908. 6. 10½.) be granted to Her Majesty, for aid in support of the Upper Canada College, for the same period.

*Resolved*,—That a sum not exceeding Three Hundred and Seventy One pounds, and one penny, farthing, currency, (£371. 0. 1¼.) be granted to Her Majesty, for the support of the Central School\* in the City of Toronto for the same period.

*Resolved*,—That a sum not exceeding Sixty Six pounds, fifteen shillings, and seven pence, half penny, currency, (£66. 15. 7½.) be granted to Her Majesty, for the support the Peterborough School,† in that part of this Province heretofore Upper Canada for the same period.

*September 13th, 1841.*—The following Petition was read : of the Reverend John Machar and the Elders and Congregation of St. Andrews' Church, Kingston, praying that the Scriptures may be used as a Class Book in the Schools and Seminaries.

#### GRANT OF FIVE HUNDRED POUNDS (£500,) TO VICTORIA COLLEGE.

The Honourable Samuel B. Harrison, one of Her Majesty's Executive Council, delivered to Mr. Speaker a message from His Excellency, the Governor General, as follows :—

The Governor General recommends to the House of Assembly the appropriation of a sum, not exceeding Five Hundred pounds currency (£500.) to the Trustees of Victoria College for the purposes of that Institution.

His Excellency has been given to understand, that without some pecuniary assistance, the objects for which An Act relating to this College was passed during the present Session, cannot be carried into effect, and he therefore recommends such appropriation to the consideration of the House

SYDENHAM,

GOVERNMENT HOUSE,  
TORONTO, 13th September, 1841.

On motion of the Honourable S. B. Harrison, seconded by the Honourable Attorney General Ogden, and

*Resolved*,—This House will tomorrow resolve itself into a Committee of Supply

*Ordered*,—That the Message of His Excellency the Governor General, on the subject of a grant of Five Hundred pounds currency (£500) to the Victoria College, be referred to the Committee of Supply.

#### THE COMMON SCHOOL, AND SCHOOL LAND REVENUE APPROPRIATION BILLS OF 1841.

The Order of the Day for the House to go into Committee of the whole on the Bill to repeal certain Acts therein mentioned and to make provision for the Establishment and Maintenance of Common Schools throughout this Province, being read. The House accordingly resolved itself into the said Committee. Mr. John S. Macdonald took the chair of the Committee, and after some time spent therein, Mr. Speaker resumed the Chair and Mr. John S. Macdonald reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

*Ordered*—That the Report be received tomorrow.

\*In regard to the "Central School," see page 174 of the First Volume and pages 56 and 251 of the Third Volume of this Documentary History.

†In regard to this Peterborough School, see page 56 of the Third Volume of this Documentary History.



The Order of the Day for the House to go into Committee of the whole to take into consideration the expediency of repealing An Act of the Legislature of the late Province of Upper Canada passed in the 2nd year of Her Majesty's reign. [Chapter 10, of 1839,] intituled : "An Act to provide for the advancement of Education in this Province" being read, The House accordingly resolved itself into the said Committee. Mr. Alexander McLean took the chair of the Committee. And after some time spent therein, Mr. Speaker resumed the Chair, and Mr. McLean reported, that the Committee had come to a resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :—

*Resolved*,—That it is expedient to repeal An Act, of the Legislature of the late Province of Upper Canada passed in the 2nd year of Her Majesty's Reign, [Chapter 10, of 1839,] intituled : "An Act to provide for the advancement of Education in this Province."

*Ordered*—That Mr. John P. Roblin have leave to bring in a Bill to make temporary provision for the appropriation of the funds derived from the sale of School Lands in that part of the Province, formerly Upper Canada, and for other purposes. He accordingly presented the said Bill to the House and the same was received, and read for the first time

*Ordered*,—That the said Bill be read, a second time tomorrow.

*September 14th. 1841.*—Mr. John S. Macdonald, from the Committee of the whole House, on the Bill to repeal certain Acts therein mentioned, and to make provision for the Establishment and Maintenance of Common Schools throughout this Province reported accordingly to order the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table and agreed to by the House.

Mr. John Neilson moved, seconded by Mr. Robert Christie, That the following sixteenth Clause of the said Bill be struck out :—

"XVI. And be it enacted, That it shall be lawful for the Governor of this Province to appoint from time to time, in each of the Cities and Towns Corporate therein, not less than six, nor more than fourteen persons, (one-half of whom shall in all cases be Roman Catholics, and the other half Protestants,) to be a Board of Examiners for each City or Town, Corporate; of which said Board the Mayor shall be Chairman, but shall have no vote other than a casting vote; and the said Board shall be divided into two Departments, (one of which shall consist of Roman Catholics and shall exercise the duties hereinafter assigned to the Board of Examiners in and over the Common Schools attended by Roman Catholic Children only, and shall, in such cases, appoint their Chairman; and the other Department shall consist of Protestants who shall exercise their said duties in and over the Common Schools, attended by the Protestant Children only, and shall in such case, appoint their Chairman;—and, in all cases, in which the said Common Schools are attended by Roman Catholic Children and Protestant Children together, the said duties shall be exercised in and over the same by the whole Board of Examiners; and the duties of the said Board and of the said Departments hereof, in the several cases above mentioned, in and for the said Cities and Towns Corporate respectively, shall be to examine the persons recommended as Teachers by the corporation, and reject them, if unqualified, on the ground of character, or ability; and to regulate for each school separately the course of study to be followed in such school, and the books to be used therein, and to establish general rules for the conduct of the schools, and communicate them in writing to the respective teachers; in addition to which duties, the Board of Examiners in any City or Town, Corporate, shall be visitors of the Common Schools in such City or Town, Corporate; and, as such visitors, it shall be the duty of the Board to appoint two, or more of their number, to visit each of the Common Schools in such City or Town, Corporate, at least once in every three months, and to report to the Corporations upon all matters connected with each of the said Common Schools, in detail, as fully as Common School Commissioners, and the visitors by them appointed, are bound to report to the District Councils, under the provisions hereinbefore contained."

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth :—

YEAS : Messieurs Cartwright, Neilson and Viger—3.

NOES : Messieurs Baldwin, Buchanan, Cameron, Campbell, Cook, Daly, Day, Dunlop, Dunn, Durand, Foster, Harrison, Hincks, Hopkins, McDonald (Prescott.), McDonald (Glengarry), McLean, Morin, Morris, Parent, Parke, Powell, Price, Raymond, Robertson, Roblin, Simpson, Smith (Frontenac), Smith (Wentworth), Steele, Tache, Thompson, Thorburn, Watts, Williams and Yule—36.

So it passed in the negative, by a majority of 33.

The Honorable Solicitor General Day moved, seconded by Mr. Thomas Parke,—That the said Bill, as amended, be engrossed.

The Honourable D. B. Viger moved in amendment, seconded by Mr. J. G. Barthe,—That all the words after "That" in the said motion be struck out, and the following substituted : "Four hundred copies of the said Bill be printed in the French and English languages, for the use of the members of this House." The question having been put upon the motion of amendment, a division ensued, and it passed in the negative.

The question being then put upon the main motion it was agreed to by the House, and it was

*Ordered*—That the said Bill, as amended, be engrossed. An engrossed copy of this Bill, “to repeal certain Acts therein mentioned, and to make provision for the Establishment and Maintenance of Common Schools throughout this Province,” was then read for the third time.

*Resolved*—That the Bill do pass.

*Ordered*—That the Honourable Solicitor General Day do carry the said Bill to the Legislative Council, and desire their concurrence.

A Bill to make temporary provision for the appropriation of the funds derived from the Sale of School Lands in that part of this Province, formerly Upper Canada, and for other purposes, was, according to order, read a second time.

*Ordered*—That the said Bill be now referred to a Committee of the whole House. The House accordingly resolved itself into the said Committee. Mr. Joseph Woods took the chair of the Committee, and, after sometime spent therein, Mr. Speaker resumed the Chair, and Mr. Woods reported that the Committee had gone through the said Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

*Ordered*—That the Report be received tomorrow.

*September 15th, 1841.*—Mr. Joseph Woods, from the Committee of the whole House on the Bill to make temporary provision for the appropriation of the funds derived from the sale of School Lands, in that part of the Province, formerly Upper Canada, and for other purposes, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk’s Table and agreed to by the House.

*Ordered*—That the said Bill, as amended, be engrossed.

An engrossed Bill to make temporary provision for the appropriation of the Funds derived from the Sale of School Lands in that part of the Province, formerly Upper Canada, and for other purposes, was then read for the third time.

*Resolved*—That the Bill do pass.

*Ordered*—That Mr. John P. Roblin do carry the said Bill to the Legislative Council, and desire their concurrence.

#### LEGISLATIVE GRANT TO VICTORIA COLLEGE, AND OTHER MATTERS.

*Ordered*—That the Honourable Samuel B. Harrison have leave to bring in a Bill to grant a certain sum of money as an aid to the “Victoria College.” He accordingly presented the said Bill to the House and the same was received and read for the first time.

*Ordered*—That the said Bill be now read a second time. The said Bill was accordingly read a second time.

*Ordered*—That the said Bill be engrossed.

A message from the Legislative Council by Mr. John Godfrey Spragge, Master-in-Chancery, was read as follows :—

MR. SPEAKER,

The Legislative Council have passed the following Bill without any amendment :—

“An Act to make temporary provision for the appropriation of the funds derived from the Sale of Schoole Lands in that part of the Province formerly Upper Canada, and for other purposes.”

*September 16th, 1841.*—An engrossed Bill to grant a certain sum of money, [£500] as an aid to the “Victoria College,” was read for the third time.

*Resolved*—That the Bill do pass.

*Ordered*—That the Honourable Samuel B. Harrison do carry the said Bill to the Legislative Council and desire their concurrence.

A message from the Legislative Council by Mr. John Godfrey Spragge, Master-in-Chancery, was read as follows :—

MR. SPEAKER,

The Legislative Council have passed the following Bills without any amendment :—

“An Act to grant a certain sum of money as an aid to the ‘Victoria College.’”

“An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout the Province.”

*September 17th, 1841.* The Honourable Samuel B. Harrison, one of Her Majesty’s Council, rose in his place, and acquainted Mr. Speaker, and the House that in consequence of the severe

indisposition of the Governor General, His Excellency could not meet the House this day for the purpose of declaring the Royal Pleasure on such Bills as have passed the Legislative Council and the Legislative Assembly.

NOTE.—This severe indisposition of Lord Sydenham, the Governor General, was caused by a fall from his Horse on the 4th of September, 1841. He died on the 19th of that month. See further references to this sad event at the close of the Educational proceedings of the Legislative Council, *post*.

### EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL, 1841.

On the union of the Provinces of Upper and Lower Canada in 1841, the Legislative Councils of these separate Provinces ceased to exist. Lord Sydenham, the then Governor General, constituted the Legislative Council of the newly united Provinces by calling to it twenty four Members, of which seven were Members of the former Legislative Council of Upper Canada, videlicet, The Honourable Messieurs Robert Baldwin Sullivan, William Morris, James Crooks, Adam Ferguson, John Macauley, John Hamilton and Augustus Baldwin. The other Members resident in Upper Canada, who were called to the Legislative Council of United Canada, were, the Honourable Messieurs Robert Sympson Jameson, (Vice Chancellor), Peter Boyle De Blacquiere, John Macdonald, Adam Ferrie and Thomas McKay. The Council was presided over, (apparently following the example of England), by the Vice Chancellor of Upper Canada—the Honourable Robert Sympson Jameson—who was, in the following year, appointed officially, but only nominally, to be Chief Superintendent of Education for United Canada—he having, two Assistant Superintendents under him, who practically performed the duties of his office, in each Province respectively.\*

The Governor General opened this first Session of the Legislature of United Canada on the 15th of June, by the usual "Speech from the Throne,"—the Educational part of his Speech is given on page 4 of this Volume. The reply to this part of the Governor General's Speech was a re-echo of the words used by the Governor General himself.

Copies of most of the Petitions on Education and Schools, which had been presented to the House of Assembly, were also presented to the Legislative Council. The following is a copy of the Educational Proceedings of the Council for 1841 :—

*July 9th, 1841.*—The Honourable Robert Baldwin Sullivan presented a Petition from the Board of the "Upper Canada Academy" praying for an Act incorporating the said Institution into a College, under the name and title of "Victoria College," with such privileges as are possessed, under the Act of last Session of the Upper Canada Legislature, by the [Queen's] College of the Presbyterion Church of Scotland, at Kingston,\* and to aid the same Institution so as to maintain and extend its useful operations.

*Ordered*, that the same do lie on the Table.‡

\*For a reference to Mr. Vice Chancellor Jameson, see note on page 159 of the Second Volume of this Documentary History. The Governor General was the titular, or nominal Chancellor.

†A copy of the Act of Incorporation of this College, and the circumstances connected with its passage, and subsequent disallowance, will be found on pages 235-238, and 284-299 of the Third Volume of this Documentary History.

‡A copy of this Petition will be found on page 8 of this Volume, *ante*.



*July 13th, 1841.*—The Honourable John Hamilton presented the Petition of the Ministers and Elders of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, praying that provision may be made for the use of the Holy Scriptures in all the Schools of the Province admitted to a participation of any grant of public money.

*Ordered*, that the same do lie on the Table.

The Honourable Thomas McKay, presented a petition from Mr. Charles P. Treadwell, and others, inhabitants of L'Original, in the Ottawa District, praying for an Act authorizing the sale of the present site of the District (Grammar) School House, and the application of the proceeds of such sale to the erection of a more commodious Building, in a more convenient situation ;

*Ordered*, that the same do lie on the Table.

*July 15th, 1841.*—The Honourable Robert B. Sullivan, by Command of His Excellency the Governor-General, presented to the House an Extract from the Minutes of the Proceedings of the Council of King's College at their Meeting held on the 17th day of February, 1841, containing the Rules and Regulations of the Council for the government of District Grammar Schools.

*Ordered*, that this Extract be referred to a Select Committee of three Members, to report thereon, and that the Committee be the Honourable Messieurs William Morris, John Hamilton and John Macdonald, to meet and adjourn as they please.\*

BILL TO INCORPORATE THE "UPPER CANADA ACADEMY" AS "VICTORIA COLLEGE."

*July 26th, 1841.*—A Message was brought up from the Legislative Assembly by Mr. George M. Boswell, and another Member, with a Bill intituled : "An Act to Incorporate the 'Upper Canada Academy,' under the name and style of 'Victoria College,'" to which they desire the concurrence of this House. The said Bill was read for the first time.

*Ordered*, that the said Bill be referred to a Select Committee of three Members, and that the Committee be the Honourable Messieurs John Hamilton, John Fraser and Francis P. Bruneau, to meet and adjourn as they please.

*July 30th, 1841.*—The Honourable John Hamilton, from the Select Committee to whom was referred the Bill sent up from the House of Assembly, intituled : "An Act to Incorporate the 'Upper Canada Academy' under the name and style of 'Victoria College,'" presented their Report.

*Ordered*, that it be received ; and, the same was then read by the Clerk, as follows :

The Select Committee to whom was referred the Bill from the Legislative Assembly intituled : "An Act to Incorporate the 'Upper Canada Academy' under the name and style of 'Victoria College,'" have the honour to report ; That they have gone through the said Bill, and report the same without amendment. The whole, nevertheless, humbly submitted.

LEGISLATIVE COUNCIL COMMITTEE ROOM,  
TORONTO, July 30th, 1841.

JOHN HAMILTON,  
Chairman.

*Ordered*, that the last mentioned Bill be read a second time immediately. The same was then read a second time accordingly.

*Ordered*, that the said Bill, and the report of the Select Committee thereon, be committed to a Committee of the Whole House on the next sitting day.

*August 4th, 1841.*—The House, according to order, was adjourned during pleasure, and was put into a Committee of the Whole House on the Bill intituled : "An Act to Incorporate the "Upper Canada Academy' under the name and style of 'Victoria College,'" and the Report of the Select Committee thereon. After some time the House was resumed, and the Honourable John McDonald reported from the Select Committee, that they had gone through the said Bill, and had directed him to report the same without any amendment.

*Ordered*, that the said Bill be read a third time tomorrow.

*August 5th, 1841.*—Pursuant to the Order of the Day, the Bill intituled : "An Act to Incorporate the 'Upper Canada Academy' under the name and style of 'Victoria College,'" was read a third time. The question was put, whether this Bill shall pass ?

It was resolved in the affirmative.

*Ordered*, that Mr. John Godfrey Spragge, the Master-in-Chancery, do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill without any amendment.

\* This Extract from the Minutes of King's College Council will be given in a separate Chapter, *post*.

PETITION IN REGARD TO THE USE OF THE SCRIPTURES IN SCHOOLS.

*August 6th, 1841.*—The Honourable William Morris presented a Petition from the Members of the Board of Education for the District of Wellington, praying that provision may be made for the use of the Holy Scriptures in all the Public Schools of this Province,

*Ordered*, that the same do lie on the table.

REPORT ON THE KING'S COLLEGE COUNCIL GRAMMAR SCHOOL RULES AND REGULATIONS, 1841.

*August 17th, 1841.*—The Honourable William Morris, from the Select Committee to whom, on the 15th of last July, was referred an Extract from the Minutes of the proceedings of the Council of King's College, at their Meeting held on the Seventeenth day of February last, and containing the Rules and Regulations of King's College Council for the Government of the District Grammar Schools, presented their Report to the House.\*

*Ordered*, that the Report be received; and, the same was then read by the Clerk, from the Table, as follows:—

The Select Committee, appointed to consider and report on the Rules, Regulations and By-Laws, established by the Council of King's College, for the government of the District Grammar Schools, respectfully beg leave to Report:—

That they have taken the said Rules, Regulations and By-Laws into their most serious consideration, in connection with the Acts of the late Province of Upper Canada, (47th George III., Chapter 6, 1807, and 2nd Victoria, Chapter 10, 1839,) and are of opinion that the latter Statute is inconsistent with the provisions of the former, inasmuch as it gives to the Council of King's College authority to make Rules, Regulations, and By-laws, for the conduct and good government of those Schools, thereby depriving the Trustees of the District (Grammar) Schools of the powers conferred upon them by the Fifth clause of the first mentioned Act, which is still in force and not repealed, as follows:—

5. And be it further enacted by the authority aforesaid, that the Trustees appointed under and by virtue of this Act, in each and every District of this Province, or a majority of them, shall have full power and authority to make such Rules and Regulations for the good government and management of the said Public (Grammar) Schools, with respect to the Teacher, for the time being, and to the Scholars, as, in their discretion, shall seem meet.†

Your Committee have also examined the Resolutions reported to both Houses of the Parliament of Upper Canada, by the Joint Committee on Education, and upon which the said Act, (2nd Victoria, Chapter 10,) was directed to be framed,‡ and they cannot withhold the expression of their opinion, that the provisions of that Act widely depart from the spirit of those Resolutions; and that the Rules, Regulations and By-Laws, (relating to the Grammar Schools) lately made and adopted by the Council of King's College, will have the effect of continuing disappointment and bad feeling in the Western portion of this Province, instead of allaying the angry passions which a long continued system of mismanagement of the Educational affairs of the Colony had engendered.

Under these circumstances, your Committee would recommend the repeal of the last mentioned Act, (2nd Victoria, Chapter 10 of 1839,) and for that purpose, submit the Draft of a Bill herewith.

Impressed with a belief that no general and well digested system for the advancement and support of Education will meet the concurrence of the Legislature during the present Session, and that nothing short of a comprehensive and liberal measure will satisfy the people of Canada, your Committee respectfully suggest:—That before the labours of the Session close, a Commission, which shall represent the general interests of the community be appointed by the Legislature, with instructions to sit during the recess, and inquire into the best means of establishing a general and efficient plan for the education of all classes of the inhabitants, embracing

\* This, and the other proceedings of the Council of King's College of 1841, not of a temporary, or purely local, nature, will be given in a subsequent Chapter of this Volume.

† The alleged conflict between Section nine of the Act, 2nd Victoria, Chapter 10, and the above fifth Section of the Act 47th George III., . . . Chapter 6, is not so clear as the foregoing statement in the Report of the Select Committee alleges. Section one of the first mentioned Act constitutes the former "District Schools" as Grammar Schools; Section two authorizes the Lieutenant Governor to appoint five persons to be Trustees of these newly constituted Schools, whose sole power is defined to be "the superintendence" of these Schools; while Section nine states that it may be lawful for "the Council of King's College to make Rules, Regulation and By-laws . . . for the conduct and good government of the several Schools established under this Act, (2nd Victoria, Chapter 10,) to such Council shall seem proper.

‡ This joint Report will be found on pages 164, 165 of the Third Volume of this Documentary History.

not only Common Schools, but the District (Grammar) Schools, and Upper Canada College, as well as the best method of applying the means provided by a paternal Monarch, (George III, in 1797), for the education of His people—The Commission to report to the Legislature, through His Excellency the Governor-General, at the commencement of the next Session.\* The whole, nevertheless, humbly submitted.

LEGISLATIVE COUNCIL COMMITTEE ROOM,  
TORONTO, August 16th, 1841.

W. MORRIS,  
Chairman.

The Bill submitted by this last mentioned Committee, for repealing a certain Act therein mentioned, relating to Education, (2nd Victoria, Chapter 10, of 1839,) was then read for the first time.

*Ordered*, that the said Bill be read a second time tomorrow.

*August 20th, 1841.*—Pursuant to the Order of the Day, the Bill for repealing a certain Act therein mentioned, relating to Education, (2nd Victoria, Chapter 10, of 1839), was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House, together with the Report of the Select Committee upon an Extract from the Minutes of the proceedings of the Council of King's College at their meeting held on the seventeenth day of February, 1841, and relating to Rules, Regulations and By-Laws for Grammar Schools.

*Ordered*, That the House be put into a Committee of the whole upon the said Bill and report on Monday next.

#### PETITION OF THE ROMAN CATHOLIC BISHOP OF KINGSTON AGAINST THE COMMON SCHOOL BILL.

The Honourable Barthelemi Joliette presented a Petition from the Right Reverend Renegius Gaulin, Roman Catholic Bishop of Kingston, and the Reverend Messieur A. Mauseau and H. Hudon, Vicars-General and Administrators of the Diocese of Montreal, praying that the Bill intituled : "An Act to repeal certain Acts therein mentioned, and to provide for the establishment and support of Common Schools within this Province," may not become law until time shall have been given to the Roman Catholics, and to other Religious Denominations whose rights may be injuriously affected, to make their opinions known to the Legislature.

*Ordered*, That the same do lie on the Table.

#### KING'S COLLEGE COUNCIL REGULATIONS FOR GRAMMAR SCHOOLS, 1841, (*Continued.*)

*August 23rd, 1841.*—The Order of the Day being read for putting the House into a Committee of the Whole upon the Bill for repealing a certain Act therein mentioned relating to Education, (2nd Victoria, chapter 10, of 1839,) together with the Report of the Select Committee upon an Extract from the Minutes of the proceedings of the Council of King's College, at their Meeting held on the Seventeenth day of February, 1841, containing the Rules and Regulations of King's College Council for the Government of District Grammar Schools.

*Ordered*, That the same be discharged, and that the said Bill do stand as the first item upon the Order of the Day for to-morrow, immediately after the third readings of Bills.

The Honourable William Morris,† by leave of the House, laid on the Table certain Resolutions on the subject of the Regulations in regard to the District Grammar Schools, which had been adopted by the King's College Council, and which were based upon the Report of the Select Committee, and which, as Chairman of that Committee, he had submitted to that Committee, and which were approved by it.

\*It would have been well had this suggestion (as to a Commission being appointed to frame a comprehensive measure for the establishment and management of Common Schools) been acted upon. But it was not. And the Measure prepared by the Honourable Solicitor General Day, as he says, chiefly on the Report of Doctor Dunscomb, which was largely theoretical and speculative was adopted, as amended by a select Committee. The consequence was that the Act was shortly afterwards repealed, as impracticable, and a separate Act, applicable to Upper Canada alone was passed in 1843.

† See the remarks and suggestions of the Honourable William Morris in regard to the Schools of Upper Canada on pages 267, 278 of the Third Volume of this Documentary History.



*August 24th, 1841.*—The House, according to order, was again adjourned during pleasure, and, on this day, was put into Committee of the Whole House on the Bill for repealing a certain Act therein mentioned relating to Education, (2nd Victoria, Chapter 10), together with the Report of the Select Committee, submitted to the House by the Honourable William Morris, its Chairman, upon an Extract from the Minutes of the proceedings of the Council of King's College, at their Meeting held on the Seventeenth day of February, 1841, containing the Rules and Regulations of King's College Council for the Government of District Grammar Schools.

The Honourable William Morris, Chairman of this Select Committee, in proposing the adoption by the House of a series of Resolutions on the subject, explained that as these Rules and Regulations were considered arbitrary and objectionable by the District Grammar School Boards generally throughout the Country, the Select Committee had prepared a series of Resolutions on the subject, which he would submit, but, before doing so, he desired to say that :

After the discussions and explanations which have already taken place on this subject, I do not consider it necessary to take up much of your time on the present occasion. I informed you the other day that those Rules caused much dissatisfaction to the Trustees of several of the District Grammar Schools ; and, in order to prevent a feeling of discontent on that subject from spreading, the Select Committee had reported the Bill now under consideration, in order that the Act, (2nd Victoria, Chapter 10,) might be immediately repealed. It was an Act passed under extraordinary circumstances.\* The Act, (as stated in the Report of the Select Committee,) was directed to be framed on the Resolutions of the Joint Committee on Education, but anyone, who will take the trouble to read the Resolutions and the Act, will at once see that there is no similarity between them ; the Resolutions were intended to abridge the powers of the Council of King's College, and to direct the application, for a time, of a portion of the funds at its disposal to promote general education ; but the Bill, in place of doing this, augmented the powers of the Council, and deprived the local Trustees of all authority over the District Grammar Schools.

What I now propose is to repeal that Act, and appoint a Commission of the most learned men in the Province to investigate our whole system of Education, and to report, at the next Session of the Legislature, a plan for its improvement. It is vain to hold out expectations to the people, which the close of each succeeding Session disappoints ; and it is equally vain to expect that, during the turmoil of legislation, when engrossing political and other subjects occupy the time of the Members of both Houses, these Members can either devise, or carry into effect, any satisfactory plan of General Education.

The people of Canada-West have much reason to complain that the munificent appropriation made by King George the III. in 1797 for their education has hitherto yielded them no advantage ; and it is this ground of complaint, and the urgent necessity of doing something for their relief that induce me again to bring the subject before Parliament.

I shall move for the adoption of the Bill from the Select Committee for the repeal of the Act, 2nd Victoria, Chapter 10, and shall then explain my views of the Commission of which I shall now have the honour of moving for the appointment. I think that the Commission should not be a partial one, but so comprehensive as to embrace all the leading, general interests of the community, one composed of the most learned and able men of the Province, men representing all the principal Religious Denominations in it, that this Commission should have power to sit in the Parliament House during the recess, with free access to the Library, that their expenses should be paid by the public, that they should have the assistance of the Law Clerks of both Houses, and, either as a body, or by a Committee of themselves, draw up and report, through the Government, to the Parliament at the next Session, a general plan of Education and Endowment of Common Schools and of Grammar Schools. In this way I think we may look for a satisfactory report.

With respect to the difficulty which is presented to our view by the Petitions which daily come before the House, from Roman Catholic and Protestant Bodies, I would just observe, that, if the use, by Protestants, of the Holy Scriptures in their Schools, is so objectionable to our fellow-subjects of that other faith, the children of both religious persuasions must be educated apart ; for Protestants never can yield to that point, and, therefore, if it is insisted upon that the Scriptures shall not be a Class-book in Schools, we must part in peace, and conduct the education of the respective Bodies according to our sense of what is right. I now move for the adoption of the following Resolutions :

\* The Act was passed during the enforced absence in Brockville of the Honourable William Morris.

1. "*Resolved*, That it is most important to the peace and welfare of the people of this Province, that an efficient and well-organized System of General Education be, without further loss of time, established upon just and liberal principles ; by which all classes of Her Majesty's subjects shall enjoy equal advantages, and that the inhabitants of that part of the Province, formerly called Upper Canada, be forthwith permitted to reap the benefits of that ample provision which was made by His Majesty King George the Third (in 1797), for the Education of his subjects in that portion of the Province."

2. "*Resolved*, That, in order to secure the assistance of those best qualified to devise a wise, efficient and comprehensive plan for the Education of the people, it is important to appoint a Commission, which shall fully represent the general interests of the community, with power to sit during the recess, and report, through the Government, at the next Session of the Legislature, the result of their labours, with a draft of a Law to establish and endow Common Schools, and also Grammar Schools as Seminaries, preparatory to the education of pupils intended for Upper Canada College, or any University hereafter to be established."

3. "*Resolved*, That a Message be sent to the Legislative Assembly, communicating the Resolutions of this House on the subject of the appointment of a Commission to prepare and report upon, a system of General Education, with a request that they will unite with this House in the necessary measures for that object."

It will be observed that these explanatory statements of the Honourable William Morris had reference chiefly to the alleged objection of the District Grammar School Boards of Trustees to the newly proposed Regulations of King's College Council for the Government of Grammar Schools. He held that the Resolutions of the Upper Canada Legislative Council, adopted while he was present and assenting to them, did not authorize the Council to frame, while he was absent on urgent business, the Act, (2nd Victoria, Chapter 10,) professedly based upon them, and yet, in terms, contrary to the express spirit and intention of these Resolutions. This contention is scarcely borne out by the facts of the case, as has been already pointed out. Nevertheless, he wished the Act to be repealed, and a "Commission of the most learned in the Province" appointed to prepare a new School Act.

The following remarks of the Honourable Peter B. de Blacquiére did not, on the contrary, deal with this question. As professedly a Representative of the Anglican Bishop of Toronto, he advocated Church of England Separate Schools, "pure and simple."

I have given prominence to these explanatory Speeches, as they were uttered by men engaged in 1841 in laying our educational foundations, and who were dealing with questions which have ever since that year—1841—engaged the attention of our public men and our experienced Educationists.

It will be observed that, in the discussions which took place on the Common School Bill at this time, was first sounded the key note of Separate Schools—that they should be hereafter a distinct and settled principle of our Educational System.

The striking fact remains to be noted that while, at this very time, the Separate School principle, in the form of denominational control, (which was then dominant in University affairs,) was, in obedience to the popular demand, being eliminated from our system of higher education, only to be transferred practically to our elementary School System.

In his remarks, the Honourable Peter B. de Blacquiére\* said:

\* For remarks and suggestions of the Honourable Peter B. de Blacquiére, in regard to Schools in Upper Canada and the use of the Bible in them, see pages 276-278 of the Third Volume of this Documentary History.

I would remind the last speaker, (the Honorable William Morris,) that I have not even intimated any objection to the course which he has pursued with respect to the Rules and Regulations promulgated by King's College Council, in compliance with the Act, 2nd Victoria, Chapter 10. What I asked for was merely a delay, for the purpose of ascertaining with whom the Rules and Regulations had originated, and as to whether, or no, there was any objection to their being rescinded. This was but fair and proper to the King's College Council. I had understood that these Rules and Regulations had been generally much approved of; and, although they might require possibly some modification, as regarded their application to all Denominations, still it might be very injudicious to do away with them altogether, so as to leave the Schools without any Rules until a general and comprehensive plan of Education was established, as proposed by the honourable Gentleman. He, (Mr. De Blaquiere) thought it very desirable that this branch of the subject should be separated from the consideration of the Resolutions introduced by the Honourable Mr. Morris. He felt obliged to that honourable Gentleman for having separated them; and he thought that the House and the Country much indebted to the honourable Gentleman for the endeavors he was now making to induce a sound and thorough review of the whole plan of education, preparatory, and antecedent to any attempt at any legislation upon it.

The subject was one in which the whole community was deeply interested,—the happiness and prosperity of the Province were involved in its issue; nor was it possible to enter upon it with any prospect of giving general satisfaction, unless due regard was had to its elementary principles being based on religion.

#### OBJECTION TO THE BIBLE AS A CLASS BOOK IN MIXED SCHOOLS.

He, (Mr. de Blaquiere,) was far, very far, from intending that such a consideration implied the forcing upon others that which their habits, or doctrine, would not, could not even, admit. To attempt the introduction of the Holy Scriptures, as received by Protestants, as a Class Book, when Roman Catholics were to be educated in the same school, was worse than useless; it was oppressive; it was dangerous: and it must arrest all progress in education; . . . Protestants had no right, in claiming the exercise of religious liberty, to tyrannize over the religious scruples of others. Unfortunately many of the Petitions presented to the other Branch of the Legislature on this point, insisted on this being done; and hence, possibly, the very great difficulty was created, which now surrounded the subject in that House. But Protestants of all shades of doctrine did, and do, require that the un mutilated Scriptures should be placed in the hands of Protestant children, they cannot, nor will they ever, be brought to consent to any system of education in which this fundamental requisite is wanting, this does not mean that the Bible is to be insisted upon as exclusively the Class Book of Protestant Schools, or that it can, or ought, to be thus made use of. Judicious selections, suited to the age and capacities of those to be instructed, will be needed; but the student is to be generally led to expect that, as his understanding unfolds, he shall progressively be made partaker of the whole learning and immediate truth, as revealed in the Word of God.\*

#### ADVOCACY OF CHURCH OF ENGLAND SEPARATE SCHOOLS.

He (Mr. De Blaquiere) had been for some time past in communication with the Right Reverend (Anglican) Bishops of Montreal and Toronto, and their clergy and flocks, upon this all important subject, he had endeavored to make himself acquainted with their sentiments, and he was now prepared to state that they would never consent to recede from this essential requisite in any system of education, national, or otherwise. He was charged with a Petition from the Bishop and others, which he would have the honour of presenting to the House this day. This Petition, from the Church of England Bishop of Toronto, on behalf of himself and the Clergy of the Diocese, prayed "that the education of the children of their own church be entrusted to their lawful Pastors, subject to such Regulations as may ensure an uniformity in the secular branches

\*The practical want of a "judicious selection" from the Bible, "suited to the age and capacities of those to be instructed," here stated, in 1841, to "be needed," has been at length supplied, and that by the Education Department for Ontario in 1888, and also "under the Supervision of the Chicago Woman's Educational Union," in 1896. The latter is a Book of 150 selections from the Bible, entitled "Readings from the Bible, Selected for Schools, and to be read in Unison." It is also suggested that the selections be "memorized." The publication of this Book was the result of a largely signed Petition to the Chicago Board of Education, asking that a "Reading Book consisting of selections from the sacred Scriptures, such as in use in the schools of Toronto, Canada, or similar Selections, (with the approval of both the Roman Catholic and Protestant Churches,) be put into use in the Public Schools of Chicago." The "Scripture Readings" issued by the Education Department of Ontario, and to which reference is made above, embraces 292 Selections, or Lessons, and extends to 434 8vo. pages. The Chicago selections number 150, and extend to 190 12mo. pages. In addition to the Table of Contents, as in the Ontario Selections, the Chicago Book contains a Topical Index, and an Index of Texts.



of study; and that a proportionate part of any grant made, or assessment raised, according to the number of children instructed, and ascertained as belonging to the Communion of the Petitioners.\*

The various Petitions presented to this House on this subject, deserved the most serious attention of the Legislature; and he, (Mr. de Blaquiere), trusted that they would receive it. The opinion and wish of the Church of England Bishop of Toronto was that the funds granted for education should be divided amongst the several Denominations of Christians, in proportion to their numbers; there was nothing unfair or unjust in this; it was a plan acted on, for instance, in France, where each Religious Denomination was taxed for the purpose of, educating its own members, as the funds raised by general assessment were divided according to the relative numbers by the French Minister of Education, each educating those of their own persuasion;—but this system had its objections in a thinly peopled Country such as Canada, scattered over a wide extent of territory, and where it would be found difficult to collect children in sufficient numbers to support a denominational School, although the plan might be very feasible in Cities, or Towns. It was, however, quite clear that with conflicting opinions, such as have been stated as to the Bible; it was quite hopeless to expect that Protestants and Roman Catholics could be educated together. But, it did not follow, with the several Denominations of the former, and who constituted the majority of the population of the Upper Province, that this could not be done.

#### REMARKS ON SOLICITOR GENERAL DAY'S COMMON SCHOOL BILL OF 1841.

The Bill introduced into the other House, [*i. e.*, the Honourable Solicitor General Day's Common School Bill,] had nothing novel in its general features, it was merely a transcript of the plan of education in the State of New York; and he, (Mr. De Blaquiere) did not like it the better on that account. It was not surprising to find the subject of religious instruction consequently was not touched upon. But he would ask the honourable Gentleman, (Mr. Sullivan) opposite, notwithstanding the omnipotence of Parliamentary enactment, was it not a stride of too great magnitude to expect to find a duly prepared Board of Education in the new Municipal Councils.

The power of taxation for educational purposes was already most properly confided to them by the Municipal Bill. It was but right that the people should direct what sums should be levied from them for the education of their own children, but this does not imply that they are the fittest judges as to the best system of education. He, (Mr. De Blaquiere,) did not think any good could possibly result from the Bill introduced into the other House, wanting as it was in the essential religious basis upon which all education should rest. The proposition of the honourable Mover of the Resolutions, now under consideration, appeared to him the most likely means for insuring a full, free, and rigorous preliminary investigation, on which a future Parliament might safely legislate.

The Honourable, Robert B. Sullivan, (on behalf of the Executive Government,) said he feared that little good would result from the intended Commission, but he would not oppose it.

#### EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL, *Continued.*

The Honourable Alexander Fraser reported, from the Select Committee, that it had taken the Bill and Report on the Grammar School Regulations into consideration and had made some progress therein, and had directed him to report the Resolutions, as proposed by the Honourable William Morris, Chairman of the Committee, and to ask leave to sit again on the said Bill and Report of the Select Committee to-morrow, which was granted accordingly.

*August 25th, 1841.*—The House, according to order, was adjourned during pleasure, and was again put into a Committee of the Whole House, on the Bill for repealing a certain Act therein mentioned, relating to Education, (2nd Victoria, Chapter 10,) together with the Report of the Select Committee upon an Extract, (relating to the Grammar School Regulations,) from the Minutes of the proceedings of the Council of King's College, at their Meeting held on the seventeenth day of February, 1841. After some time the House was resumed, and the Honourable Alexander Frazer reported from the Select Committee, that they had taken the said Bill and Report again into consideration, and had made some further progress therein, and had directed him to ask leave to sit again to-morrow; which was granted accordingly.

The Honourable Alexander Fraser presented a petition from the Minister and Elders of St. John's Church, Cornwall, in connexion with the Church of Scotland, in behalf of themselves and the congregation, praying that provision may be made for the use of the Holy Scriptures in all the Public Schools of this Province.

*Ordered* that the same do lie on the Table.

\* Mr. De Blaquiere presented several other Petitions, on this subject, among them, one from the Bishop of Montreal and other Members of the Church of England in Lower Canada.

*August 26th, 1841.*—The Order of the Day being read, for putting the House again into a Committee of the Whole, upon the Bill for repealing a certain Act therein mentioned, relating to Education, (2nd Victoria, Chapter 10,) together with the Report of the Select Committee upon an Extract, (relating to the Grammar School Regulations,) from the Minutes of the proceedings of the Council of King's College, at their Meeting held on the seventeenth day of February, 1841. It was

*Ordered* that the same be discharged, and that the said Bill and Report do stand upon the Orders of the Day for Wednesday next.

*September 1st, 1841.*—The House, according to order, was adjourned during pleasure, and on this day was again put into a Committee of the Whole House, upon the Bill for repealing a certain Act therein mentioned, relating to Education, (2nd Victoria, Chapter 10,) together with the Report of the Select Committee upon an Extract from the Minutes of the proceedings of the Council of King's College, at their Meeting held on the seventeenth day of February, 1841. After some time the House was resumed, and the Honourable Robert B. Sullivan reported from the said Committee, that they had taken the said Bill again into consideration, and had directed him to recommend that the same be referred to a Select Committee.

*Ordered* that the said Bill be referred to a Select Committee of three Members, and that the Committee be the Honourable Messieurs William Morris, George Pemberton and John Macaulay, to meet and adjourn as they please.

The Honourable John Hamilton presented a Petition from the Reverend Alexander Gale, and others, Trustees of the Gore District (Grammar) School, praying for the passing of a declaratory Act upon the subject of the Laws establishing District (Grammar) Schools, and converting them into Grammar Schools, respectively, and that the duties of the Trustees and of the Council of King's College may be distinctly defined; also a Petition from the Reverend William Smart, and others, inhabitants of the Town of Brockville and its vicinity; also, a Petition from Mr. William Logie, and others, inhabitants of the Town of Kingston and its vicinity; respectively praying for the removal of certain doubts in respect of the Control and Management of the District Grammar Schools in this Province.

*Ordered* that the same do lie on the Table.

*September 3rd, 1841.*—The Honourable William Morris, from the Select Committee, to whom was referred the Bill to repeal a Certain Act therein mentioned, relating to Education, (2nd Victoria, Chapter 10,) presented their report.

*Ordered* that it be received; and the same was read by the Clerk, as follows;

The Select Committee, to whom was referred the Bill introduced into this Honourable House, to repeal a Certain Act therein mentioned, relating to Education, (2nd Victoria, Chapter 10,) beg leave to Report:

That they have attentively examined the said Bill, and gone through its provisions, and would suggest certain amendments thereto for the adoption of your Honourable House. The whole humbly submitted.

LEGISLATIVE COUNCIL COMMITTEE ROOM,  
TORONTO, September 3rd, 1841.

W. MORRIS,  
*Chairman.*

Page 1, line 1.—After the word "whereas," leave out all the words to the word "Province," inclusively "in the eighth line, and insert in lieu thereof, the following: "it is very desirable to afford every encouragement to the advancement of Education throughout the Province; and WHEREAS, His late Most Gracious Majesty, George III., was pleased (in 1797) to direct a quantity of the waste Lands of the Crown should be set apart for the endowment of Grammar Schools within that part of the Province heretofore called Upper Canada; and WHEREAS, the advancement of Education will be promoted by devoting a portion of the Annual revenue of such Waste Lands to the support of such Grammar Schools; and WHEREAS, it is expedient to repeal an Act of the Parliament of the late Province of Upper Canada, herein after "mentioned."

Page 2, line 2.—After "that" leave out all the words to "repealed" in the tenth line inclusively, and insert in lieu thereof, "the several District Schools within that portion of the Province heretofore called Upper Canada, shall be and are hereby declared to be Grammar Schools, as contemplated by His late Most Gracious Majesty King George III., at the time the said reservation of Land was directed to be made as aforesaid."

Page 2, line 10.—After the first Clause insert the following additional Clauses, indicated respectively A, B, C, D, E, F, G and H.

*Clause A.*—"And be it enacted, that the money arising from the Sales of the School Lands now remaining in the Receiver General's hands, unexpended, or which may come into his hands, applicable to the purposes of this Act, shall be invested in the Debentures of this Province, at six per centum per annum interest, and the annual interest, or rents, thereof placed under the control of the Governor, Lieutenant-Governor, or Person Administering the Government of the Province, for the time being, to be distributed, by and with the advice and consent of the Executive Council of the said Province, among such Districts of that part of the Province, formerly called Upper Canada, as may more immediately require assistance, owing to the state of the School House, or other circumstances."

*Clause B.*—"And be it enacted, that within ——— months after the passing of this Act, the Council of King's College, or their Bursar, or Treasurer thereof, shall transfer and pay over to the Receiver General, as aforesaid, all Debentures unredeemed, and all sums of money arising from unexpended arrears of interest which may have accrued thereon, and be at present he'd under the authority of the Act hereby repealed by the said Council, or Treasurer, on account of the proceeds of the Sales of School Lands, as aforesaid, to be by the said Receiver General invested in Debentures, and the interest and rents thereof appropriated and distributed, as hereinbefore mentioned."

*Class C.*—"And be it enacted, that a sum not exceeding one hundred pounds (£1,000) per annum, may be advanced to each of the several Boards of Trustees for the said Grammar Schools, from time to time, out of any monies in the hands of the Receiver General applicable to the purposes of this Act, to be expended in providing an Additional Master, and other additional means of instruction for the Grammar Schools in the Districts, respectively, within that part of the Province formerly called Upper Canada."

*Class D.*—"And be it enacted, that, it shall and may be lawful for the Board of Trustees in any District now constituted, or hereafter to be constituted, in that part of the formerly called Upper Canada, out of any monies in the hands of the Receiver General, applicable to the purposes of this Act, to receive a sum not exceeding two hundred pounds (£200), to aid in the construction and erection of a suitable building for a School House in each District."

"Provided that an equal sum shall be raised by subscription among the Inhabitants for the like object: and provided that they shall guarantee the permanent insurance of the Building."

*Class E.*—"And be it enacted, that it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, for the time being, by and with the advice and consent of the Executive Council, as aforesaid, to authorize a sum not exceeding one hundred pounds (£100) per annum for each School, to be paid to any Board of Trustees for the use and support of two Schools other than the one in the Town, where the Court House is situated in any Town, or Village, within any of the Districts aforesaid, in which the Inhabitants shall provide a suitable School House, at which not less than sixty pupils shall be educated."

"Provided, that any such additional School shall not be within six miles of the District Town; and provided always, that nothing herein contained shall prevent the Governor, Lieutenant-Governor, or Person Administering the Government of the Province, for the time being, by and with the advice and consent of the Executive Council thereof, from extending the aid to four Grammar Schools, (including the said two), other than the one established in the District Town, should it deem it expedient."

*Clause F.*—"And be it enacted, that it shall and may be lawful for the Governor, Lieutenant-Governor, or Person Administering the Government of the Province, for the time being, by and with the advice and consent of the Executive Council, to set apart two hundred and fifty thousand (250,000) acres of the Waste Lands of the Crown in this Province, to be sold in like manner as other Crown Lands, at a price not less than ten shillings per acre, and the proceeds thereof paid into the hands of the Receiver General from time to time, to be appropriated in such manner in support of Grammar Schools, as is hereinbefore provided."

*Clause G.*—"And be it enacted, that an account in detail of the sums received and expended under the provisions of this Act, shall be rendered to the Governor, Lieutenant-Governor, or Person Administering the Government of this Province, annually, in order that the same may be laid before the Legislature within thirty days after the commencement of each Session."

*Clause H.*—"And be it enacted, that the Act of the Legislature of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, Chapter ten, and entitled: 'An Act to provide for the Advancement of Education in the Province, shall be and the same is hereby repealed."

"Provided always, that such repeal shall not annul, or be construed to annul, any order, engagement, or act, for the distribution of the interest upon the Debentures by the Council of King's College, made and carried into effect previous to the passing of this Act; and

"Provided also, that the management and sale of the said School Lands shall continue to be conducted by the said Council of King's College, until further provision shall be made in that behalf, at any future Session of the Legislature."

*Ordered*—That the said Bill, and the Report of the Select Committee thereon, be committed to a Committee of the whole House, and that the House be put into a Committee of the Whole upon the said Bill, and report to-morrow.

*September 4th, 1841.*—The House, according to order, was adjourned during pleasure and, on this day was again put into a Committee of the Whole House, on the Bill to repeal a certain Act therein mentioned, relating to Education, (2nd Victoria, Chapter 10,) together with the Report of the Select Committee thereon. After some time, the House was resumed; and the Honourable Peter B. De Blaquiere reported from the Select Committee that they had gone through the said Bill, and had directed him to report the same with several amendments, which amendments were read by the Clerk; and,

The said amendments, being read a second time, were agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and the same read a third time on Monday next; and that one hundred copies of the said Bill be printed for the use of Members.

The Honourable John Hamilton, presented a Petition from the Reverend Donald McKenzie, and others, Inhabitants of the Township of Zorra, in the District of Brock, praying for the removal of certain doubts in respect of the Control and Management of the District Grammar Schools.

*Ordered*.—That the same do lie on the Table.



*September 6th, 1841.*—Pursuant to the Order of the Day, the Bill to repeal a certain Act therein mentioned, relating to Education, (2nd Victoria Chapter 10,) and to make other provision for the encouragement thereof, was read a third time. The question was put, whether this Bill shall pass? It was resolved in the affirmative.

*Ordered,* That the title be, “An Act to repeal a certain Act therein mentioned, relating to Education, (2nd Victoria Chapter 10,) and to make other provision for the Encouragement thereof.”

*Ordered,* That the Master-in-Chancery do go down to the Legislative Assembly, and acquaint that House, that the Legislative Council have passed this Bill, to which they desire the concurrence of the Assembly.

The Honourable John Hamilton, presented a Petition from Mr. James Chep, and others, Inhabitants of West Flamborough and Ancaster, in the District of Gore, praying for the removal of certain doubts in respect of the Control and Management of the District Grammar Schools in this Province.

*Ordered,* That the same do lie on the Table.

*September 7th, 1841.*—The Honourable William Morris, presented a Petition from Mr. Adam Elliott, and others, Inhabitants of Streetsville and its vicinity, praying that the Holy Scriptures may be used as a Class Book in all the Public Schools of this Province.

*Ordered,* That the said Petition be read. The same was then read by the Clerk, accordingly.

*Ordered,* That the said Petition do lie on the Table.

The Honourable John Hamilton also presented a Petition from Mr. A. Gardiner, and others, Inhabitants of the Townships of Nichol and Garafraxa, praying for the removal of certain doubts in respect of the Management and Control of the Grammar Schools of this Province.

*Ordered,* That the same do lie on the Table.

*September 9th, 1841.*—The Honourable John Hamilton, presented a Petition from the Reverend John Machar, and others, being the Minister, Elders and Congregation of St. Andrew's Church, Kingston, praying that the Holy Scriptures may be used as a Class Book in all the Public Schools of this Province.

*Ordered,* That the same be read by the Clerk. The said Petition was then read accordingly.

*Ordered,* That it do lie on the Table.

*September 14th, 1841.*—A Message was brought up from the Legislative Assembly by the Honourable Solicitor-General Day, and others, with a Bill intituled: “An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout this Province,” to which they desire the concurrence of this House. The said Bill was read for the first time.

*Ordered,* That the said Bill be read a second time to-morrow.

*September 15th, 1841.*—Pursuant to the Order of the Day, the Bill intituled: “An Act to repeal certain Acts therein mentioned, and to make further Provision for the Establishment and Maintenance of Common Schools throughout this Province,” was read a second time.

*Ordered,* That the said Bill be referred to a Select Committee of five Members, and that the Committee be the Honourable Messieurs Peter B. De Blaquiere, Peter McGill, William Morris, John Fraser and John McDonald, to meet and adjourn as they please.

A Message was brought up from the Legislative Assembly by Mr. John P. Roblin, and others, with a Bill, intituled: “An Act to make temporary provision for the appropriation of the Funds derived from the sale of School Lands in that part of the Province, formerly Upper Canada, and for other purposes,” to which they desire the concurrence of this House. The said Bill was read for the first time.

*Ordered,* That the 46th Rule of this House be dispensed with, in so far as it regards the last mentioned Bill, and that the same be read a second time this day.

Pursuant to order, the Bill intituled: “An Act to make temporary provision for the appropriation of Funds derived from the sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes,” was read a second time.

*Ordered,* That the said Bill be referred to a Committee of the Whole House, and that the House be put into a Committee upon the said Bill, immediately. The House according to order, was adjourned during pleasure, and was put into a Committee upon the last mentioned Bill. After some time the House was resumed, and the Honourable Peter B. De Blaquiere reported from the Select Committee, that they had gone through the said Bill and had directed him to report the same without any amendment.

*Ordered*, That the said Bill be read a third time, immediately. The same was then read a third time, accordingly. The question was put, whether this Bill shall pass? It was resolved in the affirmative.

*Ordered*, That the Master-in-Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Honourable John Hamilton, presented a Petition from the Reverend Robert McGill, and others, of Niagara; and also a Petition from Mr. John Chisholm, and others, Inhabitants of Hamilton, in the District of Gore, respectfully praying for the removal of certain doubts in respect of the Management and Control of the District Grammar Schools.

*Ordered*, That the same do lie on the Table.

*September 16th 1841.*—A Message was brought up from the Legislative Assembly by Mr. John Simpson, and another, with a Bill intituled: "An Act to grant a certain sum of money as an aid to 'Victoria College,'" to which they desire the concurrence of this House. The said Bill was read for the first time.

*Ordered*, That the same be read a second time this day.

The House, according to order, was adjourned during pleasure, and was put into a Committee of the whole House, on the Bill intituled: "An Act to grant a certain sum of money as an aid to 'Victoria College.'" After some time the House was resumed, and the Honourable John McDonald reported from the said Committee, that they had gone through the said Bill, and had directed him to report the same without any amendment.

*Ordered*, That the said Bill be read a third time, immediately. The said Bill was read a third time accordingly. The question was put, whether this Bill shall pass. It was resolved in the affirmative.

*Ordered*, that the Master-in-Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Honourable Peter B. De Blaquiere, from the Select Committee to whom was referred the Bill intituled: "An Act to repeal certain Acts therein mentioned, and to make further Provision for the Establishment and Maintenance of Common Schools throughout this Province," presented their Report.

*Ordered*, that it be received; and, the same was then read by the Clerk, as follows:

The Select Committee to whom was referred the Bill from the Legislative Assembly intituled: "An Act to repeal certain Acts therein mentioned, and to make further Provision for the Establishment and Maintenance of Common Schools throughout this Province," beg leave to Report:

That they have examined this most important Bill, which they cannot too deeply regret should have been sent up to your Honourable House at so late a period of the Session as to refuse your Honourable House time for that calm and considerate examination of its details which their importance merits.

Your Committee, with a full knowledge, from the examination they have given this Measure, that it cannot be regarded as perfect, but as requiring modifications, are unwilling to retard the progress of Education within the Province by risking the passing of the Bill; and your Committee are, therefore, of opinion to recommend the Bill to your Honourable House for adoption, without amendment, trusting that in another Session such modifications may be made in it as time and experience may demonstrate to be necessary. The whole humbly submitted.

LEGISLATIVE COUNCIL COMMITTEE ROOM,  
TORONTO, 16th September, 1841.

P. B. DE BLAQUIERE,  
Chairman.

*Ordered*, that the said Bill and Report be committed to a Committee of the whole House, and that the House be put into a Committee upon the said Bill, and report immediately. The House, according to order, was adjourned during pleasure, and was put into a Committee of the whole House on the last mentioned Bill and Report. After some time the House was resumed, and the Honourable Alexander Fraser reported from the said Committee, that they had gone through the said Bill, and had directed him to report the same without any amendment.

*Ordered*, that the said Bill be read a third time immediately. The said Bill was read a third time accordingly. The question was put, whether this Bill shall pass. It was resolved in the affirmative.

*Ordered*, that the Master-in-Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill without any amendment.

*September 17th, 1841.*—The Honourable Robert B. Sullivan acquainted the House that he had a Message from His Excellency the Governor General, under his Sign Manual, His Excellency had commanded him to deliver to the House. And the same was read as follows :

The Governor General being at present prevented by indisposition from coming in person to the Legislative Council Chamber, and being desirous of declaring the Royal Pleasure on such Bills as have passed the Legislative Council and the Legislative Assembly, requests the Legislative Council, when they shall this day adjourn, will adjourn themselves to meet at Three of the Clock in the afternoon, at the Government House.

GOVERNMENT HOUSE,

SYDENHAM.

KINGSTON, 17th of September, 1841,

NOTE.—The House adjourned as requested, and met at the Government House. Owing to the extreme illness of the Governor General, the Members present did not form a quorum.

*Saturday, 18th September, 1841.*—At Twelve of the Clock, noon, John Clitherow, Esquire, Major-General commanding Her Majesty's Forces in that part of the Province heretofore Upper Canada, Deputy Governor, was deputed by the Governor General to assent in Her Majesty's name to the following, among other Bills, videlicet :

An Act to make temporary provision for the appropriation of the funds derived from the sale of School Lands in that part of this Province formerly Upper Canada, and for other purposes.

An Act to incorporate the Upper Canada Academy under the name and style of "Victoria College."

An Act to grant a certain sum of money as an aid to the "Victoria College."

An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout this Province.

NOTE.—The Deputy Governor then closed this first Session of the First Parliament of United Canada with a Speech from the Throne, in which he made a touching reference to the fatal illness of the Governor General, but did not refer to any educational matter.\*

#### DEATH AND BURIAL OF LORD SYDENHAM, SEPTEMBER, 1841.

Lord Sydenham died on the 19th of September, 1841, the result of a fatal fall from his Horse on the 4th of that month.

The Right Honourable Charles Poulett Thomson, Baron Sydenham of Sydenham in Kent and Toronto in Canada, was only forty-one years of age at his death. He was the son of an eminent English Merchant, and, when a young man, resided at St. Petersburg. He was a Member of the British Parliament for Manchester, and was President of the Board of Trade in the Liberal Administration of the day. He succeeded Sir John Colborne, (then Lord Seaton,) as Governor General of British North America in the autumn of 1839. He was raised to the Peerage in 1840, and also received the Order of Knight Grand Cross of the Bath in 1841. In person he was rather above the middle size, and was somewhat slender in form. During the evening before his death, he asked if

\*Had Lord Sydenham not have been so fatally ill when the Session closed, he would have closed the Session in a Speech dictated by himself. Of this fact, Chief Secretary Murdoch informed the Speaker of the Legislative Council, in a note dated the 21st of September, as follows: "It will, I am sure, be satisfactory to yourself and the other Members of the Legislature to be made acquainted with the terms of the Speech which had been prepared by the late Governor General, to be delivered on the prorogation of the Legislature, but which his lamented illness prevented. It was the last public document ever dictated by him, and breathes throughout those sentiments of attachment to this Country, and of anxiety for its advancement, which he ever felt and expressed. The last few words—the concluding prayer for the happiness of Canada—were dictated on Friday morning, (the 17th instant,) at a time when the hand of death was upon him." In this Speech, as then dictated by Lord Sydenham, the following passage relating to Education occurs: "The Bill for the promotion of Education is a measure of great value. It has ever been the anxious desire of the Queen to extend to all classes of Her Majesty's subjects the blessings of Education, and having received Her Majesty's commands to bring this question under your consideration, I shall have peculiar satisfaction in reporting to the Queen the assent I have been enabled to give to a Legislative enactment upon the subject."



Parliament had been prorogued. Being answered in the affirmative, he said "Then all is right." One of his last affecting requests was that he might be buried in Canada. He was therefore interred under the Chancel of St. George's Church, Kingston, on Friday, the 24th of September, 1841.

From a Pamphlet compiled by the late Sir Francis Hincks, and published in 1841, containing "Notices of the Death of the late Lord Sydenham by the Press of British North America, with Prefatory Remarks," I take the following references to this sad event. Sir Francis Hincks said :—

"Lord Sydenham assumed the Government of the Canadas at an eventful crisis; his task was one of great difficulty. On his arrival among us he found the Country convulsed with political excitement; at his death he left it perfectly tranquil. The principles on which his administration was conducted are sanctioned by the unequivocal voice of the people, no less than by their great results."

The Reverend Doctor Ryerson said :—

"At the commencement of His Lordship's mission in Upper Canada, when his plans were little known, his difficulties formidable and his Government weak, I had the pleasing satisfaction of giving him my humble and dutiful support in the promotion of his non-party and Provincial objects; and now that he is beyond the reach of human praise or censure—where all earthly ranks and distinctions are lost in the sublimities of eternity—I have the melancholy satisfaction of bearing my humble testimony to his candour, sincerity, faithfulness, kindness and liberality. A few days before the occurrence of the accident which terminated his life, I had the honour of spending an evening and part of a day in free conversation with His Lordship; and on that, as well as on former similar occasions, he observed the most marked reverence for the truths of Christianity—a most earnest desire to provide a comprehensive system of Education upon Christian principles, without interference with religious scruples; to base the civil institutions of the country upon Christian principles, with a scrupulous regard to the rights of conscience—a total absence of animosity against any person or parties opposed to him, and an intense anxiety to silence dissensions and discord, and render Canada contented, happy and prosperous. . . . The day before his lamented death he expressed his regret that he had not given more of his time to religion. . . . The last hours of his life were spent in earnest supplications to his Redeemer, in humble reliance upon whose atonement he yielded up the ghost."

#### COPY OF THE ORIGINAL COMMON SCHOOL BILL OF 1841 AS INTRODUCED INTO THE HOUSE OF ASSEMBLY BY THE HONOURABLE SOLICITOR-GENERAL DAY.

The following is a Draft of the Original Bill, as introduced into the House of Assembly by the Honourable Solicitor General Day, which, when amended and passed, became the 4th and 5th Victoria, Chapter XVIII. This Draft is followed by the Act, as passed, for the purposes of comparison and reference.

#### BILL TO REPEAL CERTAIN ACTS THEREIN MENTIONED, AND TO MAKE PROVISION FOR THE ESTABLISHMENT AND MAINTENANCE OF COMMON SCHOOLS THROUGHOUT THIS PROVINCE.

Whereas the Laws now in force for the maintenance and regulation of Common Schools extend only to that part of this Province heretofore called Upper Canada, and it is necessary to make provision for the establishment and maintenance of such schools throughout the Province : Preamble.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled :

Imperial Act  
3 and 4 Vict.  
ch. 35.

Act of Upper  
Canada, 56.  
George 3,  
Chapter 36.

Act of Upper  
Canada 60.  
George 3,  
Chapter 7.

Act of Upper  
Canada 4,  
George 4,  
Chapter 8.

Act of Lower  
Canada 2,  
William 4,  
Chapter 26.

The said Acts  
repealed.

A permanent  
fund for Com-  
mon Schools  
to be created

of what such  
fund shall  
consist.

Jesuits'  
Estates.

Other monies.  
How monies  
from land  
sales shall be  
invested.

A certain sum  
granted to Her  
Majesty for  
Common  
Schools.  
from what  
fund such  
grant shall be  
made.

The annual  
grant to be  
called The  
Common

School fund.  
A Superintendent of Edu-  
cation to be  
appointed.  
A Secretary  
also.  
Salaries,  
Duties of  
Superinten-  
dent.

To apportion  
the School  
fund to  
Districts.  
Ratio of ap-  
portionment.

"*An Act to re-unite Upper and Lower Canada, for the Government of Canada,*" and it is hereby enacted by the authority of the same, that the Act of the Legislature of the late Province of Upper Canada, passed in the fifty-sixth year of Reign, of His late Majesty King George the Third, and intituled: "*An Act granting to His Majesty, a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools,*" and the Act of the said Legislature passed in the sixtieth Reign of His said late Majesty, and intituled: "*An Act to amend and continue under certain modifications.*"

"*An Act passed in the fifty-sixth year of His Majesty's Reign, intituled: 'An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulation of the said Common Schools,'*" and the Act of the said Legislature passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled: "*An Act to make permanent and extend the provisions of the Laws now in Force for the establishment and regulation of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same,*" and a certain Act of the Legislature of the late Province of Lower Canada passed in the second year of the Reign of His late Majesty King William the Fourth, and intituled: "*An Act to repeal certain Acts therein mentioned, and for the further encouragement of Elementary Schools in Country parts of this Province*" and all other Acts and parts of Acts of the said Legislatures, repugnant to or inconsistent with the provisions of this Act, be and the same are hereby repealed.

II. And be it enacted, that for the establishment, support, and maintenance of Common Schools in each and every Township and Parish in this Province, there shall be established a permanent fund which shall consist of all such monies as may accrue from the selling or leasing of any lands, which by Her Majesty's Royal Predecessors have been, or by the Legislature of this Province may hereafter be granted and set apart for the establishment, maintenance and support of Common Schools in this Province, and of such monies as may accrue from the selling, leasing or otherwise disposing of the property situate in that part of the Province formerly called Lower Canada, and known by the name of "The Jesuits' Estates," and of such other monies as are hereinafter mentioned; and all such monies as shall arise from the sale of any such lands or estates, and certain other monies hereinafter mentioned, shall be invested in Bank Stock or other safe and profitable securities in this Province; and the interest of all monies so invested, and the rents, issues and profits arising from such lands or estates, as shall be leased or otherwise disposed of without alienation, shall be annually applied in the manner hereinafter provided, to the support and encouragement of Common Schools.

III. And be it enacted, that for the establishment, support and maintenance of Common Schools in each and every Municipal District of this Province, there shall be granted to Her Majesty, annually, during the continuance of this Act, the sum of \_\_\_\_\_ pounds to be distributed among the several Districts in the manner hereinafter provided, and such sum shall be composed and made up of the annual income and revenue derived as aforesaid, from the said permanent fund, and of such further sum as may be required to complete the same, out of any unappropriate monies which may hereafter be raised and levied by the authority of the Legislature, to and for the public uses of this Province;—and the said annual grant shall be, and be called, "The Common School Fund."

IV. And be it enacted, that it shall be lawful for the Governor of this Province, by Letters Patent under the Great Seal thereof, to appoint from time to time, one fit and proper person to be Superintendent of Education in this Province, and one fit and proper person to be the Secretary of such Superintendent, and to perform such duties as may be by him assigned or required of such Secretary; and such Superintendent and Secretary shall hold their respective offices during pleasure, and shall receive such yearly salaries not exceeding together the sum of \_\_\_\_\_

as the Governor may appoint: and the duties of the said Superintendent shall be:—

Firstly:—To apportion in each and every year, and on or before the day of \_\_\_\_\_, in such year, the money annually granted by the Legislature as aforesaid, among the several Municipal Districts, in the ratio, of the number of Children over five and under sixteen years of age, that shall appear by the then last census of the Province, to be resident within such Districts respectively:—

Secondly:—To furnish the Receiver General of the Province, for his rule and guidance, with a certified statement or list of the apportionment of the money granted by the Legislature, under the provisions of this Act as aforesaid, among the said several Districts:—

To furnish Receiver General with copy of apportionment.

Thirdly:—To certify the apportionment of the public money as aforesaid, to the Treasurer of each and every of the said Districts respectively, who shall lay the same before the District Council, to the end that such District Council may direct, and they are hereby authorized and required to direct, such a sum to be raised and levied for the purposes of this Act, and within their respective Districts, over and above all rates raised for other purposes, as shall be equal in the amount to the money so apportioned from the Provincial Treasury:—

To certify apportionment to each District Treasurer. The District Council to raise an equivalent sum.

Fourthly:—To prepare suitable forms for making reports and conducting the necessary proceedings under this Act, and to cause the same, with such regulations and instructions as he shall deem necessary, to be communicated to all such persons as shall be employed in carrying the provisions of this Act into effect. Provided always that nothing contained in such forms shall be inconsistent with or repugnant to this Act:—

To frame instruction and forms. Proviso.

Fifthly:—To appoint in each of the five Districts five persons, of whom at least two shall be resident Clergymen, as a Board of Examiners, whose duties shall be: 1°. To regulate the course of study and the books to be used in the Common Schools within such District, and to establish general rules for conducting the said Schools, and to communicate the same in writing to the respective teachers. 2°.

To appoint District Boards of Examiners.

To examine the persons recommended as Teachers by the Common School Commissioners, and to reject them if found unqualified, or if they fall within the disabilities hereinafter mentioned. 3°. To hear, determine and settle all disputes which may arise out of the proceedings of the Common School Commissioners hereinafter mentioned; or other matters of dispute in respect to Common Schools within their District, in all which cases their decision shall be final: 4°. To appoint from time to time one or more of their number to visit each of the Common Schools in the District, at least once in every three months, for the purpose of examining into the state of such Schools, whether the same be properly conducted according to the rules and regulations established in that behalf, the proficiency of the scholars, and all other matters connected with the well-being of such Schools, and to report accordingly to the Board of Examiners; and such visitors shall be allowed by the Superintendent their reasonable travelling expenses and disbursements incurred in the performance of their said duty: 5°. To report to the Superintendent on or before the day of in each and every year, their proceedings during their last year, and all matters relating to the Schools which fall under their management and control, and to furnish a copy of such annual Report to the District Council of their District; and the said Superintendent shall submit annually to the Governor of the Province, on or before the day of in each year, a Report on the actual state and condition of the

Duties of said Board as to—

1. Studies.
2. Examine Teachers.
3. Settle disputes.
4. Visiting Schools and reporting.

5. Allowance to School visitors.

5. Report to Superintendent.

Common Schools throughout the Province, shewing the monies expended on such Schools, and from what sources derived, with plans for their improvement, and stating such other matters respecting Education generally as the said Superintendent may deem useful and expedient, in order that the same may be laid before the Legislature at the meeting thereof then next following.

Superintendent to report annually to Governor.

The Report to be laid before Legislature.

V. And be it enacted, that the District Council of each District shall be a Board of Education for such District, and their duties as such Board shall be:

District Council to be a Board of Education.

Firstly:—To divide the several Townships and Parishes within their District into School Districts, to be designated by numbers as one, two, three and so on (provided always, that no such School District shall be established in which there shall be fewer than children between the ages of five and sixteen resident therein), and forthwith to furnish a full report of such division of the District with a proper description and designation of the boundaries to the Superintendent of Education and to the District Board of Examiners; and also to furnish a specification of the School Districts in each Parish or Township to the School Commissioners to be appointed for the same in the manner hereinafter provided;

Duties. Divide Districts into School divisions.

To report such divisions to the Superintendent.

Secondly:—To apportion and distribute to each of the said School Districts its share of the School fund, which share shall be proportioned to the number of children between the ages of five and sixteen resident in each School Districts respectively;

Also to School Commissioners.

To distribute School fund.



To apportion money assessments for building School Houses. Where to be built.

To apportion money for books. To report proceedings to the Superintendent.

Penalty if District Council fail to comply with the law.

Exception. Number of Township School Commissioners.

A District Councillor to be Chairman. Four other Commissioners to be elected.

Duties. To choose and secure a School site in each division.

To make estimate of cost of site and School House, etc.

Estimate to be sent to District Clerk. One Commissioner to be appointed to each School Division.

He shall report quarterly.

Nature of Report. Appoint and remove Teachers.

Proviso. Teachers to be British Subjects and qualified.

To exempt from taxes not more than ten poor persons in a division.

Two Commissioners to visit each School and report thereon.

Nature of Report.

Thirdly:—To apportion and to cause such sum to be assessed on the inhabitants of such School District a sum not exceeding \_\_\_\_\_, for the erection of a School house in each School District in which none exists;

Fourthly:—To apportion a sum not exceeding \_\_\_\_\_ in any one year, to be expended in the purchase of such books as may be recommended by the District Board of Examiners for distribution among the Schools.

Fifthly:—To report their proceedings in matters relating to Common Schools, and the state of such Schools within their District, to the Superintendent annually, \_\_\_\_\_ day of \_\_\_\_\_ in each year.

VI. And be it enacted, that if the District Council of any District shall at any time refuse or neglect to comply with the foregoing requirements of this Act, such District shall not be entitled to receive any sum of money out of the Common School Fund, until such requirements shall have been duly complied with, or a good and sufficient cause for non-compliance shall have been shewn to the satisfaction of the Superintendent of Education.

VII. And be it enacted, that there shall be in each Township and Parish five Commissioners, to be called Common School Commissioners, of whom the District Councillor for the Township or Parish (or if there be more than one Councillor then the Councillor of longest standing, or if they be of equal standing, then the senior in age) shall be one and Chairman of the Commission, and the other four shall be elected yearly at the annual township or Parish meeting in the manner prescribed by law for the election of Township or Parish officers for the same place; and the duties of the said Commissioners shall be:

Firstly: To choose, and whenever funds shall be provided for that purpose by the District Council, to acquire a site for a Common School house in each School District in their Township or Parish in which no such School house shall exist at the time this Act shall come into force, and to make an estimate of the cost of such site and of the expense of building a School House and of keeping the same in repair, and an estimate of the cost of furnishing each Common School in the Township or Parish with the necessary fuel and appendages; and to transmit such estimates to the Clerk of the District Council in order that the inhabitants of the

Secondly:—To appoint for each of the School Districts within the Township or Parish one or more of their number to Superintend the building and repair of the Common School House in such School District, and the furnishing it with fuel and other necessary things, and generally to manage the concerns of the School and report to the Board of School Commissioners, once in three months, that is to say, \_\_\_\_\_ day of \_\_\_\_\_ in each of the months of \_\_\_\_\_, the state of such School, the amount of

monies received for it, the manner in which such money has been expended, the number of Children above five and under sixteen years of age taught in it, and the number of days that each Child has attended:

Thirdly:—To agree with and appoint from time to time, Teachers in the said Common Schools, and to remove such teachers when they shall find just cause for so doing: Provided always, that no person shall be appointed a Teacher in any of the said Schools unless he be a subject of Her Majesty by birth or naturalization, and shall obtain a certificate from the District Board of Examiners of his good moral character, sufficient learning and ability:

Fourthly:—To exonerate such poor persons as they may deem fit, not exceeding (ten) in each School District from the payment of the wages of Teachers in this Act established and required to be paid for each and every child attending any Common School:

Fifthly:—To appoint two or more of their number to visit each Common School in the Township or Parish, once at least in each month, and to report the state of such School, whether the rules and regulations established by the District Board of Examiners are duly observed, the number and proficiency of the Scholars, the character and ability of the Teachers, the conduct of the Managing Commissioner, and all other matters connected with the management and well being of such School:

Sixthly :—To grant warrants, from time to time, upon the Town Clerk, for such sums of money as may be required for paying the Teachers and defraying the expenses of the Several Common Schools within the Township or Parish : Provided always, that such warrants shall be signed by the Chairman and three Commissioners, and that the sums of money to be paid under the same shall in no case exceed the amount then appropriated by law for the said Schools respectively :

To give warrants on Clerk for moneys apportioned.

Seventhly :—To record and preserve all their proceedings in a Book to be provided for that purpose, the proceedings of each meeting with the names of the Commissioners present, being authenticated by the signature of the Chairman ; and such Book shall be delivered over by the Commissioners to their Successors in Office :

To keep Minutes of Proceedings. Minutes to be given to Successors.

Eighthly :—To report all their proceedings, and all matters connected with the several Common Schools in the Township or Parish, to the District Council annually on or before the day of such report being in the form to be furnished by the Superintendent of Education :

To Report on form to District Council.

Ninthly :—It shall be the duty of the said Common School Commissioners, within ten days after the expiration of their respective periods of service, to deliver to their Successors in Office, any and all books, accounts, vouchers, papers, reports and other documents in their possession as such Commissioners, and they may in case of default be thereunto constrained by all lawful ways and means.

Documents to be given to Successors.

VIII. And be it enacted, that the said Commissioners shall remain in office until the annual Parish or Township Meeting next following the time of their appointment, and until others shall be appointed in their places ; and in case, the office of one Commissioner shall be vacated by his death, refusal to serve, removal out of the Township or Parish, or incapacity, the vacancy shall be supplied by an appointment to be made by the Board of Commissioners at their first meeting after such vacancy shall occur.

Term of office of Commissioners.

How to fill vacancies.

IX. And be it enacted, that the Common School Houses in each Township or Parish, with the ground whereon they are situate, and all the appendages and furniture thereof, and books and other things thereunto appertaining, shall henceforward vest in and be held and possessed by the Commissioners of such Township or Parish, and their Successors in office for ever as Trustees, for the purposes of this Act ; Provided always, that no such School house or other thing thereunto appertaining, shall be sold or disposed of, or the site of any School House changed, otherwise than by consent of a Majority of such Commissioners, of which majority the Chairman shall be one.

School sites to be vested in Commissioners.

Commissioners' consent necessary to sale of site.

X. And be it enacted, that it shall be the duty of the Township or Parish Collector, to collect within the several School Districts respectively, all such rates as shall be assessed for the support of the several Common Schools within his Township or Parish ; and also the sum of as additional wages for the Teacher, for each and every child attending any such School, save and except for those children whose parents shall, by reason of their indigence have been exempted from the payment of such sum ; and such rates, and the said sum of for each child, may if not paid, be recovered by the Collector or his Successors in office in any Court of Competent Civil Jurisdiction ; and the Collector shall pay over all such sums, (after deducting therefrom such fees as he may be by Law allowed) into the hands of the Town Clerk and shall at the same time deliver to the said clerk a copy of the assessment roll or other statement, shewing the amount collected for such School Districts respectively, within his Township or Parish.

Township Collectors to collect School rates.

Rate Bill per Pupil to be additional.

Exception.

Duties of School Collector.

XI. And be it enacted, that it shall be the duty of the Town Clerk in every Township and Parish, to attend the meeting of the Board of Commissioners and record their proceedings :—to receive from the District Treasurer, such sums as may be apportioned to the several Schools within his Township or Parish from the Common School fund, keeping separate accounts of the monies appropriated for each of the said Schools ; to receive from the Collector all sums of money which he may have collected for the support of the Common Schools, keeping separate accounts of the monies so received for each School District : to pay out such monies upon the warrant of the Board of Commissioners, provided the sums directed to be paid for any School shall not exceed the sum which such School is entitled to receive ; and finally to lay a statement of such payments, with vouchers attested upon oath, (which oath any Justice of the Peace may administer before the Board of Commissioners annually, in order that the same may be included in their annual report to

Duties of Town Clerk.

To receive School moneys.

Keep separate accounts. To pay School moneys.

Report financially to Commissioners.

Proviso as to Clerk's security.	the District Council;—Provided always, that no such Clerk shall act as such for the purposes of this Act, until he shall given, jointly and severally with two good and sufficient sureties, security by bond in favour of the said Board to the amount of for the due discharge of the duties of his office, and for the due application and payment of all Common School monies which may come into his hands.
Conditions of apportioning School moneys.	XII. And be it enacted, that no Common School shall be entitled to any apportionment of money out of the Common School fund, except on the terms and conditions following, that is to say:—Such School shall have been open for at least
Time.	days during the then last past, and shall have been during said term, and shall continue to be at the time such apportionment is made, regularly
Attendance.	attended by at least twenty Children, between the ages of five and sixteen;—the Reports hereinbefore required shall have been regularly made with regard to such
Local money contributions.	Common School;—and the sum paid by the Inhabitants by assessment or otherwise towards the support of such Common School, for the period for which the apportionment shall be made, shall have been at least equal to the sum apportioned;
Proviso in regard to School tax exemption.	Provided always, that it shall be lawful for the School Commissioners in each Township or Parish, with the approval of the District Council, to exempt in whole or in part any number of School Districts not exceeding from the payment of such sum towards the support of their Common Schools, on account of the poverty of their inhabitants; and the School districts so exempted, shall nevertheless receive their apportionment from the School fund; And provided also, that nothing in this section contained shall prevent or be construed to prevent the apportionment and payment of monies under this Act, towards the establishment and maintenance of any
Proviso.	Common School for the first year after the passing of this Act.
Unappropriated School moneys to be added to the Fund.	XIII. And be it enacted, that if any monies having formed part of the annual Grant made under this Act out of the public funds of the Province, shall, by reason of any non-compliance with the requirements of this Act or from any other cause, remain unapplied to any of the purposes for which they are granted, after the expiration of the time during which they ought to be so applied, such monies shall, on demand, be returned and delivered by the person or persons in whose possession they may respectively be to the Receiver General of this Province, and together with all monies forming part of the annual Grant aforesaid which shall remain in his hands unapplied to the purposes of this Act, after the expiration of the time during which they ought to be so applied shall be invested by him in the manner hereinbefore prescribed with respect to the monies forming the permanent fund for the maintenance and support of Common Schools, and shall form part of the said fund.
To be invested.	
Penalty for false Reports.	XIV. And be it enacted, that if any Common School Commissioner, or other person, shall make a false Certificate or Report, by means whereof any monies shall be fraudulently obtained from and out of the said Common School fund, such Commissioners or other person shall not only restore the money so fraudulently obtained, but shall be liable to a penalty of for the benefit of the said Fund, to be recovered at the suit of the District Clerk, or of the City Clerk as the case may be, on the oath of one or more credible witness or witnesses, before any two of Her Majesty's Justices of the Peace, and if not paid to be levied with costs by distress and sale of the Defendant's goods and chattels, under the warrant of such two Justices or of either of them.
How recovered.	
School Powers of City and Town corporations.	XV. And be it enacted, that in each of the Cities and Towns corporate in this Province, all and every the powers, rights and duties conferred and imposed by this Act upon District Councils, with respect to Common Schools in their Districts, are hereby vested in and shall be henceforward exercised and performed by the Corporation of each of the said Cities or Towns respectively, subject to all the conditions and regulations hereinbefore established with respect to the said District Councils.
City and Town School Examiners.	XVI. And be it enacted, that it shall be lawful for the Governor of this Province, to appoint from time to time, in each of the Cities and Towns corporate, not less than seven nor more than nine fit and proper persons, of whom at least three shall be resident Clergymen of different religious denominations, to be a Board of Examiners for such City or Town Corporate, of which said Board the Mayor of the place shall be a member and the Chairman; and the duties of such Board in and for the said Cities and Towns corporate respectively, shall be the same as those hereinbefore prescribed for the District Boards of Examiners, within the Districts for which they are respectively appointed; in addition to which duties the Board of
Their duties.	



Examiners in any City or Town corporate shall be visitors of the Common Schools in such City or Town corporate, and as such visitors it shall be the duty of the Board to appoint two or more of their number to visit each of the Common Schools in such City or Town corporate, at least, once in every month, and to report to the Corporation upon all matters connected with each of the said Common Schools in detail, as fully as Common School Commissioners and the visitors by them appointed are bound to report to the District Councils under the provisions hereinbefore contained.

School Visitors and their Duties.

XVII. And be it enacted, that all and every the rights, powers, and duties by this Act conferred and imposed upon the Common School Commissioners with respect to the Common Schools under their authority and control, and hereinbefore enumerated in the seventh section of this Act, under the first, third and fourth division of the said section, shall in each of the said Cities and Towns corporate, and with respect to the Common Schools therein to be established, vest in and be exercised and performed by the Corporations thereof respectively; who in addition thereto are hereby empowered to appoint, such and so many persons as they may deem fit severally to do and perform for and with respect to the common Schools in the said Cities and Towns corporate respectively, all and every the duties, matters and things hereinbefore by the seventh section of this Act required to be performed by one of the Common School Commissioners, with reference to the Common Schools under their authority and control, and specified in the first and second divisions of the second section; and to provide by By-law such rules and regulations for the conduct and guidance of such person as they may respectively deem expedient.

Commissioners' duties devoted on City and Town Councils.

Person to be appointed as school supervisor. Duties.

XVIII. And be it enacted, that the said Cities and Towns Corporate, respectively shall be entitled to an apportionment of monies from the Common School fund upon the same terms and conditions as are hereinbefore prescribed with respect to District Councils, upon no other; and any monies so apportioned shall be paid to the City Treasurer or other officer performing the duties of Treasurer in the said Cities and Towns Corporate respectively, and be paid over by him upon such authority and subject to such regulations as are provided in the said several Cities and Towns Corporate respectively, for the payment of monies belonging to the Corporation in other cases, or as may be hereafter provided in that behalf.

School Apportionment to Cities and Towns.

To whom payable.

XIX. And be it enacted, that the said Corporations shall on the day of in each and every year report to the Superintendent of Education, all matters and things relating to Common Schools within the said Cities and Towns Corporate respectively connected with the well being of such Schools, in the same manner and as fully in all respects as the District Board of Education, and the District Board of Examiners are by this Act bound to report with respect to Common Schools within their respective Districts.

Corporations shall report to Superintendent.

In what manner.

XX. And be it enacted, that any person chosen or appointed to any office under this Act who shall, without sufficient cause, refuse to serve therein, shall forfeit the sum of ; and every person so chosen and appointed, and not having refused to accept, who shall neglect to perform the duties of his office shall forfeit the sum of ; and all such forfeitures shall be paid to the Treasurer of the District, City or Town, as the case may be, in which they are so forfeited, for the benefit of the Common School fund, and may be recovered in the same manner as is provided with regard to fines incurred by making fraudulent reports and certificates as aforesaid.

Penalty for refusing to serve.

Forfeiture to whom payable.

XXI. And be it enacted, that the several sums hereby granted, or apportioned under the provisions of this Act, to the several Districts of this Province, shall be paid by the Receiver General, for the time being, to the Treasurer of each District respectively, in discharge of such warrant or warrants as shall from time to time be issued by the Governor of this Province, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lord Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall be pleased to direct.

Warrant of Governor for all School grants.

To whom Accounted for.

XXII. And be it enacted, that whenever no special provision is made by this Act as to the particular members or as to the number of members by whom any Act required to be done by any Board of Examiners, or by any Board of School Commissioners must be concurred in, it shall be understood that such Act may be validly performed by any majority of the members of the Board.

Rule to be by majority.

Affirmation  
authorized in  
certain cases.

False state-  
ments to be  
perjury.

Interpretation  
clause.

"Governor,"  
"Parishes,"  
"Townships;"

"Town Clerk"  
"Corporation"

XXIII. And be it enacted, that a solemn affirmation may be made instead of any oath in every case where an oath is required in this Act, if the person making the same be one of those persons authorized by law, to make an affirmation instead of an oath : and that any false statement wilfully made on oath or affirmation in any case where an oath or affirmation is required by this Act, shall be wilful and corrupt perjury.

XXIV. And be it enacted, that the word Governor whenever it occurs in this Act, shall be held to mean and include the Governor, Lieutenant Governor, and person administering the Government of this Province, and the words "Parishes" and "Townships" whersoever they occur in this Act, shall for all the purposes thereof be held to mean and include reputed Parishes and Townships, and unions of Parishes and Townships, and of reputed Parishes and Townships in and for which meetings of the inhabitant householders now, or hereafter may be by law appointed to be held : and the words "Town Clerk" shall be held to mean and include as well the Clerks of Parishes as the Clerks of Townships ; and the word "Corporation" shall be held to mean the Common Council, or other body or Municipal authority, by and through whom the powers of the Corporation are exercised.

## CHAPTER III.

### EDUCATIONAL BILLS PASSED DURING THE SESSION OF 1841.

#### 4TH AND 5TH VICTORIA, CHAPTER XVIII.

AN ACT TO REPEAL CERTAIN ACTS THEREIN MENTIONED, AND TO MAKE FURTHER PROVISION FOR THE ESTABLISHMENT AND MAINTENANCE OF COMMON SCHOOLS THROUGHOUT THIS PROVINCE.\*

*Baron Sydenham and Toronto, Governor General,*

Passed, 18th September, 1841.

Preamble.

Whereas the Laws now in force for the Maintenance and Regulation of Common Schools, are insufficient, and it is necessary to make provision for the establishment and maintenance of such Schools throughout the Province :—

Imperial Act,  
3 and 4 Vict.,  
ch. 35.

Act of Upper  
Canada, 56  
George 3, cap.  
36.

Upper Canada  
Act, 60 George  
3 (or 1 George  
IV.) cap. 7.

Upper Canada  
Act 4, George  
IV., cap. 8.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the Authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled ; "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, that the Act of the Legislature of the late Province of Upper Canada, passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, and intituled, "An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools ;" and the Act of the said Legislature passed in the sixtieth year of the Reign of His said late Majesty, and intituled : "An Act to amend and continue, under certain modifications, an Act passed in the fifty-sixth year of His Majesty's Reign, intituled : "An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools : " and the Act of the said Legislature passed in the fourth year of the Reign of His late Majesty, King George the Fourth, intituled. "An Act to make permanent and extend the provisions of the Laws now in force for the establishment and regulation

\*The alteration and additions made in Sections IV, VII, Sections XI and XVI of this Act are put in italics. They are entirely new, and authorize for the first time in our legislation the establishment of Separate Schools in Upper Canada.

of Common Schools throughout this Province, and for granting to His Majesty a further sum of money to promote and encourage education within the same." and a certain Act of the Legislature of the late Province of Lower Canada, passed in the second year of the Reign of His Late Majesty, King William the Fourth, and intituled: "An Act to repeal certain Acts therein mentioned, and for the further encouragement of Elementary Schools in the Country parts of this Province:" and all other Acts and parts of Acts of the said Legislatures repugnant to, or inconsistent with the provisions of this Act, be and the same are hereby repealed.

II. And be it enacted, That for the establishment, support and maintenance of Common Schools in each and every Township and Parish in this Province, there shall be established a permanent fund which shall consist of all such moneys as may recure from the selling or leasing of any lands which, *by the Legislature of this Province, or other competent authority, may hereafter be granted and set apart for the establishment, maintenance and support of Common Schools in this Province, and of such other monies as are hereinafter mentioned;* and all such monies as shall arise from the sale of any such lands, or estates, and certain other monies hereinafter mentioned, shall be invested in safe and profitable securities in this Province, and the interest of all monies so invested, and the rents, issues and profits arising from such lands or estates as shall be leased or otherwise disposed of without alienation, shall be annually applied in the manner hereinafter provided, to the support and encouragement of Common Schools.

Lower Canada Act, 2 William IV. cap. 26. These Acts repealed. A permanent School Fund to be created. Other moneys. How invested and applied.

III. And be it enacted, That for the establishment, maintenance and support of Common Schools in this Province, there shall be granted to Her Majesty annually during the continuance of this Act, the sum of *Fifty Thousand Pounds Currency*, to be distributed among the several Districts in the manner hereinafter provided, and such aforesaid, from the said permanent fund, and of such further sum as may be required to complete the same, out of any unappropriated monies, which are now raised and levied, or which may hereafter be raised, and levied by the authority of the Legislature, to and for the public uses of this Province: and the said annual grant shall be, and be called "The Common School Fund."

\$50,000 annually granted for common Schools.

IV. And be it enacted, That it shall be lawful for the Governor of this Province, by Letters Patent under the Great Seal thereof, to appoint from time to time, one fit and proper person to be Superintendent of Education in this Province: and such Superintendent shall hold his office during pleasure, and shall receive such yearly salary not exceeding the sum of *Seven hundred and fifty pounds currency*: the Governor may appoint: and the duties of the said Superintendent shall be:

A Superintendent of education to be appointed. Salary. Duties.

Firstly:—To apportion in each and every year, on or before the *third Monday in May* in such year, the money annually granted by the Legislature as aforesaid, among the several Municipal Districts, in the ratio of the number of children over five and under sixteen years of age, that shall appear by the then last census of the Province, to be resident within such District respectively:

Apportion school moneys.

Secondly:—To furnish the Receiver General of the Province, for his rule and guidance, with a certified statement or list of the apportionment of the money granted by the Legislature, under the provisions of this Act as aforesaid, among the several Districts:

Certify apportionment.

Thirdly:—To certify the apportionment of the public money as aforesaid, to the Treasurer of each and every of the said Districts respectively, who shall lay the same before the District Council, to the end that such District Council may direct, and they are hereby authorised and required to direct, such a sum to be raised and levied for the purposes of this Act, and within their respective districts over and above all rates raised for other purposes, as shall be equal in amount to the money so apportioned from the Provincial Treasury.\*

Notify District Treasurers. District Council to raise equivalent.

Fourthly:—To visit annually each of the Municipal Districts in the Province, and ascertain the State of Common Schools therein, and for so doing he shall be allowed his reasonable expenses;

To visit the District annually.

Fifthly:—To prepare suitable forms for making reports and conducting the necessary proceedings under this Act, and to cause the same to be communicated to all such persons as shall be employed in carrying the provisions of this Act into

Prescribe Forms.

\*The Municipal Act of 1841, 4th and 5th Victoria, Chapter X., Section XXXIX. authorizes District Councils to make by-laws, among other things, "For providing for the establishment of and a reasonable allowance for the support of schools."



Secure uniformity in the Schools.	effect ; and to address to the said persons such suggestions as may tend to the establishment of uniformity in the conduct of Common Schools throughout this Province : and the said Superintendent shall submit annually to the Governor of the Province, on or before the thirty-first day of December in each year, a Report on the actual state and condition of Common Schools throughout the Province, showing the monies expended on such Schools, and from what source derived, with plans for their improvement, and stating such other matters respecting Education generally as the Superintendent may deem useful and expedient, in order that the same may be laid before the Legislature at the meeting thereof then next following.
District Councils to be Boards of Education. Duties of Board of Education.	V. And be it enacted, That the District Council of each District, shall be a Board of Education of such District, and their duties as such Board shall be : Firstly :—To divide the several Townships and Parishes within their District into School Districts, to be designated by numbers, as one, two, three, and so on : (Provided always, that no such School District shall be established in which there be fewer than fifteen children between the age of five and sixteen resident therein,) and forthwith to furnish a full report of such Division of the District, with a proper description and designation of boundaries to the Superintendent of Education : and also to furnish a specification of the School Districts, in each Parish or Township to the School Commissioners to be appointed for the same in the manner hereinafter provided.
Distribute the School Fund.	Secondly :—To apportion and distribute to each of the said School Districts its share of the School Fund, which share shall be proportionate to the number of Children, between the ages of five and sixteen, resident in such school districts respectively.
Assess for School House.	Thirdly :—To apportion and cause to be assessed on the inhabitants of such School District a sum not exceeding <i>Fifty pounds</i> for the erection of a School-house in each School District in which none exists ;
Grant Money for Books.	Fourthly :—To apportion to each Township and Parish, a sum not exceeding <i>ten pounds</i> , in any one year, to be expended in the purchase of such Books as may be required.
Report to Superintendent.	Fifthly :—To report their proceedings in matters relating to Common Schools and the State of such Schools within the District, to the Superintendent annually on or before the <i>first Monday in December</i> in each year.
Penalty on District Councils.	VI. And be it enacted, That if the District Council of any District, shall at any time neglect or refuse to comply with the foregoing requirements of this Act, such District shall not be entitled to receive any sum of money out of the Common School Fund, until such requirements shall have been duly complied with, or a good and sufficient cause for non-compliance shall have been shown to the satisfaction of the Superintendent of Education.
School Commissioners to be elected.	VII. And be it enacted, <i>That at the Annual Township or Parish Meetings, to be held in the Month of January, one thousand, eight hundred and forty-two, and at each succeeding Annual Meeting, for the Election of Township and Parish Officers, there shall be elected in the manner prescribed by Law for the election of such Officers, five Commissioners for each and every Township and Parish entitled to elect one District Councillor, and seven Commissioners for each and every Township entitled to elect two District Councillors ; and the said Commissioners shall be called "Common School Commissioners," and their duties shall be :</i>
Duties.	Firstly :—To choose, and whenever funds shall be provided for that purpose by the District Council, to acquire a site for a Common School House in each School District in their Township or Parish in which no such School House shall exist at the time this Act shall come into force, and to make an estimate of the cost of such site and the expense of building a School House and of keeping the same in repair, and an estimate of the cost of furnishing each Common School in the Township or Parish with the necessary fuel and appendages ; and to transmit such estimates to the clerk of the District Council in order that the Inhabitants of the respective School Districts may be assessed accordingly.
Purchase School Site.	
Repairs, etc.	
Superintendent and report.	Secondly :—To appoint for each of the School Districts within the Township or Parish one or more of their number to superintend the building and repairing of the Common School House in such School District, and the furnishing it with fuel and other necessary things and generally to manage the concerns of the School and

report to the School Commissioners, once in three months, that is to say : on or before the *first Monday* in each of the months of *March, June, September and December* the state of such School, the amount of monies received for it, the manner in which such *sum* has been expended, the number of children above five and under sixteen years of age taught in it, and the number of days that each child has attended.

Thirdly :—To agree with and appoint, from time to time, Teachers in the said Common Schools, and to remove such Teachers, when they shall find just cause for so doing ;

Appoint and Remove Teachers.

Provided always, that no person *except he be one of the persons known as les freres de la Doctrine Chritienne* shall be appointed a Teacher in any of the said Schools unless he be a subject of Her Majesty by birth, or naturalization, of good moral character, and shall have been examined before the said Commissioners as to Learning and ability.

Proviso : Christian Brother as Teacher.

Fourthly :—To regulate for each School respectively the course of study to be followed in such School, and the books to be used therein, and to establish general rules for the conduct of the Schools, and to communicate them in writing to the respective Teachers.

Course of Study and Books.

Fifthly :—To hear and determine all disputes which may arise out of the proceedings of the Managing or Visiting Commissioners, hereinafter mentioned, or other matters of dispute in respect to Common Schools within their Township or Parish.

Determine disputes.

Sixthly :—To appoint two or more of their number to visit each Common School in the Township or Parish, once at least in each month, and to report the state of such School, whether the rules and regulations established by the Commissioners are duly observed, the number and proficiency of the Scholars, the character and ability of the Teachers, the conduct of the Managing Commissioner, and all other matters connected with the management and well being of such School.

Visit Schools and Report

Seventhly :—To grant Warrants from time to time upon the *District Treasurer*, for such sums of money as may be required for paying the Teachers, and defraying the expenses of the several Common Schools within the Township or Parish : Provided always, that such warrants shall be signed by a majority of the Commissioners, of which the Chairman shall be one ; and that the sums of money to be paid under the same shall in no case exceed the amount then appropriated by Law and collectively.

Warrants for School Moneys.

Eighthly :—To exonerate such poor persons as they may deem fit, not exceeding ten in each School District, from the payment of the wages of Teachers, in this Act established, and required to be paid for each and every child attending any Common School.

Exonerate Poor persons. Limitation.

Ninthly :—To record and preserve all their proceedings in a Book to be provided for that purpose. The proceedings of each Meeting with the names of the Commissioners present, being authenticated by the signature of the Chairman ; and such book shall be delivered over by the Commissioners to their successors in office, and it shall be the duty of the Town Clerks to attend all such meetings for the purpose of making such record.

Keep Minutes.

Tenthly :—To report all their proceedings, and all matters connected with the several Common Schools in the Township or Parish to the District Council annually, on or before the *third Monday of November*, such report being in the form to be furnished by the Superintendent of Education.

Report Proceedings.

Eleventhly :—It shall be the duty of the said Common School Commissioners, within ten days after the expiration of their respective periods of service, to deliver to their successors in office any and all books, accounts, vouchers, papers, reports, and other documents, in their possession, as such Commissioners, and they may in case of default, be thereunto constrained by all lawful ways and means.

Hand over papers to Successors.

VIII. And be it enacted, That the said Commissioners shall remain in office until the annual Township or Parish Meeting next following the time of their election, and until others shall be elected in their places ; and in case the office of one or more Commissioners shall be vacated by death, refusal to serve, removal out of the Township or Parish, or incapacity, the vacancy shall be supplied by an appointment to be made by the remaining Commissioners at their first meeting after such vacancy shall occur.

Term of office.

Vacancies.

School site vested in Commissioners.	IX. And be it enacted. That the Common School Houses in each Township, or Parish, <i>now acquired, or hereafter to be acquired, under the provisions of this Act</i> , with the ground whereon they are situate, and all the appendages and furniture thereof, and books and other things thereunto appertaining, shall henceforward vest in, and be held and possessed by the Commissioners of such Township, or Parish, and their successors in office, for ever, as Trustees for the purposes of this Act: Provided always, that no such School House or other thing thereunto appertaining, shall be sold or disposed of, or the site of any School changed, otherwise than by the consent of a majority of such Commissioners, of which majority the Chairman shall be one.
Proviso.	
Duties of Township Collector.	X. And be it enacted, That it shall be the duty of the Township, or Parish, Collector, to collect within the several School Districts respectively, all such rates as shall be assessed for the support of the several Common Schools within his Township or Parish, and also the sum of <i>one shilling and three pence</i> as additional wages for the Teacher, for each and every child attending any school, save and except for those children whose parents shall, by reason of their indigence have been exempted from the payment of such sum; and such rates, and the said sum of <i>One Shilling and Three Pence</i> for each child, may, if not paid, be recovered by the Collector, or his successors in office, in any Court of competent civil jurisdiction; and the Collector shall pay over all such sums (after deducting therefrom such fees as he may be by Law allowed) into the hands of the <i>District Treasurer</i> , and shall at the same time deliver to the said <i>District Treasurer</i> a copy of the Assessment Roll, or other statement, shewing the amount collected for such School Districts respectively, within his Township or Parish, and the said <i>District Treasurer</i> shall keep separate accounts of all monies so paid in, and of all other monies appropriated to the several School Districts respectively.
Exception.	
Pay over School Rates.	
Separate Schools may be established.	XI. <i>Provided always, and be it enacted, That whenever any number of the Inhabitants of any Township, or Parish, professing a Religious Faith different from that of the majority of the Inhabitants of such Township, or Parish, shall dissent from the regulations, arrangements, or proceedings, of the Common School Commissioners, with reference to any Common School in such Township, or Parish, it shall be lawful for the Inhabitants, so dissenting, collectively to signify such dissent in writing to the Clerk of the District Council, with the name or names of one or more persons elected by them, as their Trustee, or Trustees, for the purposes of this Act: and the said District Clerk shall forthwith furnish a certified copy thereof to the District Treasurer; and it shall be lawful for such dissenting inhabitants, by and through such Trustees, or authorities, and be subject to the obligations and liabilities hereinbefore assigned to, and imposed upon the Common School Commissioners, to establish and maintain one or more Common Schools in the manner and subject to the visitation, conditions, rules and obligations in this Act provided, with reference to other Common Schools, and to receive from the District Treasurer their due proportion, according to their number, of the monies appropriated by Law and raised by assessment for the support of Common Schools, in the School District, or Districts, in which the said Inhabitants reside, in the same manner as if the Common Schools so to be established and maintained under such Trustee or Trustees, where established and maintained under the said Common School Commissioners, such monies to be paid by the District Treasurer upon the Warrant of the said Trustee or Trustees.</i>
Condition.	
Right to receive School Monies.	
Condition of receiving School Grant.	XII. And be it enacted, That no Common School shall be entitled to any apportionment of money out of the Common School Fund, except on the terms and conditions following, that is to say: Such School shall have been open for at least <i>nine months</i> , during the year then last past, and shall have been during the said term, and shall continue to be at the time such appointment is made, regularly attended by at least <i>fifteen</i> children between the ages of five and sixteen. The Reports hereinbefore required, shall have been regularly made with regard to such Common School: and the sum paid by the Inhabitants by assessment or otherwise towards the support of such Common School, for the period for which the apportionment shall be made, shall have been at least equal to the sum apportioned: Provided always, that it shall be lawful for the School Commissioners in each Township, or Parish, with the approval of the District Council, to exempt in whole or in part any number of School Districts, not exceeding <i>two</i> from the payment of such sum towards the support of their Common Schools, on account of the poverty of their Inhabitants, and the School Districts so exempted shall nevertheless receive their apportionment from the School fund: and provided also, that nothing in this section contained shall prevent, or be construed to prevent the apportionment and payment of monies under this Act, towards the establishment and maintenance of any Common School for the first year after the passing of this Act.*
School Monies, how raised.	
Exemption.	

\* See note on page of this Volume.



XIII. And be it enacted, That if any monies, having formed part of the Annual Grant, made under this Act out of the public funds of the Province, shall, by reason of any non-compliance with the requirements of this Act, or from any other cause, remain *unpaid* to any of the purposes for which they are granted, after the expiration of the time during which they ought to be so applied, such monies shall, on demand, be returned and delivered by the person or persons in whose possession they may respectively be, to the Receiver General of this Province, and together with all monies forming part of the Annual Grant aforesaid, which shall remain in his hands unapplied, to the purposes of this Act, after the expiration of the time during which they ought to be so applied, shall be invested by him in the manner hereinbefore prescribed, with respect to the monies forming the permanent fund for the maintenance and support of Common Schools, and shall form part of the said fund.

Moneys remain unaffected.

How disposed of.

XIV. And be it enacted, That if any Common School Commissioner, or other person, shall *wilfully* make a false Certificate, or Report, by means whereof any monies shall be fraudulently obtained from and out of the said Common School Fund, such Commissioner, or other person, shall not only restore the money so fraudulently obtained, but shall be liable to a penalty *not exceeding ten pounds currency*, for the benefit of the said fund, to be recovered at the suit of the District Clerk, or of the City Clerk, as the case may be, on the oath of one or more credible witness, or witnesses, before any two of Her Majesty's Justices of the Peace, and if not paid, to be levied with costs by distress and sale of the Defendant's goods and chattels, under the warrant of such two Justices, or of either of them.

Penalty on False Returns.

Fine.

XV. And be it enacted, That in each of the Cities and Towns Corporate, in this Province, all and every the powers, rights and duties conferred and imposed by this Act upon District Councils with respect to Common schools in their Districts, are hereby vested in, and shall be henceforward exercised and performed by, the Corporation of each of the said Cities or Towns respectively, subject to all the conditions and regulations hereinbefore established, with respect to the said District Councils.

School Powers in Cities and Towns.

XVI. And be it enacted, That it shall be lawful for the Governor of this Province, to appoint from time to time, in each of the Cities and Towns Corporate therein, not less than *six* nor more than *fourteen* persons, (*one half of whom shall in all cases be Roman Catholics, and the other half Protestants,*) to be a Board of Examiners for each City or Town Corporate; of which said Board the Mayor shall be Chairman, but shall have no vote other than a casting vote; and the said Board shall be divided into two Departments, one of which shall consist of Roman Catholics, and shall exercise the duties hereinafter assigned to the Board of Examiners in and over the Common Schools attended by Roman Catholic Children only, and shall in such cases appoint their Chairman, and the other Department shall consist of Protestants, and shall exercise their said duties in and over the Common Schools attended by the Protestant Children only, and shall, in such cases, appoint their Chairman, and in all cases in which the said Common Schools are attended by Roman Catholic Children and Protestant Children together, the said duties shall be exercised in and over the same by the whole Board of Examiners; and the duties of the said Board, and of the said Departments thereof, in the several cases above mentioned, in and for the said Cities and Towns Corporate respectively, shall be to examine the persons recommended as Teachers by the Corporation, and reject them, if unqualified, on the ground of character or ability, and to regulate for each School separately the course or study to be followed in such School, and the Books to be used therein, and to establish general rules for the conduct of the Schools, and communicate them in writing to the respective Teachers; in addition to which duties the Board of Examiners in any City or Town Corporate shall be visitors of the Common Schools in such City or Town Corporate, and as such Visitors, it shall be the duty of the Board to appoint two or more of their number to visit each of the Common Schools in such City or Town Corporate, at least once in every three months, and to report to the Corporations upon all matters connected with each of the said Common Schools, in detail, as fully as Common School Commissioners, and the Visitors of them appointed, are bound to report to the District Councils under the provisions hereinbefore contained.

Board of Examiners in Cities and Towns.

Roman Catholic Section.

Protestant Section.

Both to be visitors.

XVII. And be it enacted, That all and every the rights, powers, and duties by this Act conferred and imposed upon the Common School Commissioners, with respect to the Common Schools under their authority and control, and hereinbefore

School Powers of City and Town Councils.

\*See note on page of this Volume.

Seventh section of this Act. enumerated in the seventh section of this Act, under the first, third, and *eighth* divisions of the said section, shall in each of the said Cities and Towns Corporate, and with respect to the Common Schools therein to be established vest in and be exercised and performed by the Corporations thereof respectively; who in addition thereto are hereby empowered to appoint such and so many persons as they may deem fit severally to do and perform for and with respect to the Common Schools in the said Cities and Towns Corporate respectively, all and every the duties, matters, and things hereinbefore by the seventh section of this Act required to be performed by one of the Common School Commissioners, with reference to the Common Schools under their authority and control, and specified in the first and second divisions of the second section: and to provide by *By-Laws* such rules and regulations for the conduct and guidance of such person as they may respectively deem expedient.

Cities and Towns entitled to School Grant. XVIII. And be it enacted, That the said Cities and Towns Corporate, respectively, shall be entitled to an apportionment of monies from the Common School Fund upon the same terms and conditions as are hereinbefore prescribed with respect to District Councils, and upon no other: and any monies so apportioned shall be paid to the City Treasurer, or other Officer performing the duties of Treasurer in the said Cities and Towns Corporate, respectively, and be paid over by him upon such authority and subject to such regulations as are provided in the said several Cities and Towns Corporate, respectively, for the payment of monies belonging to the Corporation in other cases, or as may be hereafter provided in that behalf.

Report to the Superintendent of Education. XIX. And be it enacted, That the said Corporation shall, on the *first Monday of December*, in each and every year, report to the Superintendent of Education all matters and things relating to Common Schools within the said Cities and Towns Corporate, respectively, connected with the well being of such Schools, in the same manner and as fully in all respects as the District Boards of Education and Common School Commissioners are, by this Act, bound to report, with respect to Common Schools within their respective Districts, *Townships and Parishes*.

Penalties for Non-serving and Neglect. Forfeiture. XX. And be it enacted, That any person chosen or appointed to any office under this Act, who shall, without sufficient cause, refuse to serve therein, shall forfeit the sum of *Twenty-five Shillings Currency*; and every person so chosen or appointed, and not having refused to accept, who shall neglect to perform the duties of his office, shall forfeit the sum of *Twenty-five Shillings*, and all such forfeitures shall be paid to the Treasurer of the District, City or Town, as the case may be, in which they are so forfeited, for the benefit of the Common School Fund, and may be recovered in the same manner as is provided with regard to fines incurred, by making fraudulent reports and certificates, as aforesaid.

School Money paid to Governor warrant. XXI. And be it enacted, That the several sums hereby granted, or apportioned, under the provisions of this Act, to the several Districts of this Province, shall be paid by the Receiver General for the time being to the Treasurer of each District respectively, in discharge of such Warrant or Warrants as shall from time to time be issued by the Governor of this Province, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the *Lords Commissioners* of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs, and Successors shall be pleased to direct.

Powers of the Majority. XXII. And be it enacted, That whenever no special provision is made by this Act, as to the particular Members, or as to the number of Members by whom any Act required to be done by any Board of Education, or by any Commissioners, or Board of Examiners, must be concurred in, it shall be understood that such Act may be validly performed by any majority of the Members of the Board.

Affirmation in certain cases. XXIII. And be it enacted, That a solemn affirmation may be made, instead of an oath in every case, when an oath is required in this Act, if the person making the same be one of the persons authorized by law to make an affirmation instead of an oath; and that any false statement wilfully made on oath or affirmation, in any case where an oath or affirmation is required by this Act, shall be wilful and corrupt perjury.

Interpretation. "Governor." XXIV. And be it enacted. That the word "Governor," whenever it occurs in this Act, shall be held to mean and include the Governor, Lieutenant-Governor, and Person administering the Government of this Province, and the words

"Parishes," and "Townships," wheresoever they occur in this Act, shall, for all the purposes thereof, be held to mean and include reputed Parishes and Townships, and unions of Parishes and Townships, and of reputed Parishes and Townships, in and for which meetings of the inhabitant householders now are, or hereafter may be by law appointed to be held; and the words "Town Clerk," shall be held to mean and include as well the Clerks of Parishes as the Clerks of Townships; and the word "Corporation" shall be held to mean the Common Council, or other body, or municipal authority, by and through whom the powers of the Corporation are exercised.

"Parishes."

"Town Clerk"  
"Corporation"

XXV. And be it enacted, That this Act shall come into operation and have force and effect from and after the first day of January, in the year of our Lord, one thousand, eight hundred and forty-two, and not before.

Operation of  
the Act, 1st  
January, 1842.

#### 4TH AND 5TH VICTORIA, CHAPTER XIX.

AN ACT TO MAKE TEMPORARY PROVISION FOR THE APPROPRIATION OF THE FUNDS DERIVED FROM THE SALE OF SCHOOL LANDS, IN THAT PART OF THE PROVINCE FORMERLY UPPER CANADA, AND FOR OTHER PURPOSES.

*Baron Sydenham and Toronto, Governor General.*

Passed, 18th September, 1841.

Whereas it is very desirable to afford every encouragement to the advancement of Education throughout the Province; And Whereas His late Most Gracious Majesty King George the Third, was pleased to direct that a quantity of the waste Lands of the Crown should be set apart for the support of Grammar Schools within that part of the Province heretofore called Upper Canada; And Whereas the advancement of Education will be promoted by devoting a portion of the annual revenues of such waste Lands to the support of such Grammar Schools; And Whereas it is expedient to repeal an Act of the Parliament of the late Province of Upper Canada hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: "An Act to Reunite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, that the several District Schools within that portion of the Province heretofore called Upper Canada, shall be and are hereby declared to be Grammar Schools, as contemplated by His late Most Gracious Majesty King George the Third, at the time the said reservation of Land was directed to be made, as aforesaid.

Preamble.

District  
Schools to be  
considered  
Grammar  
Schools for  
certain pur-  
poses.

II. And be it enacted, that the money arising from the sale of the School Lands, now remaining in the Receiver General's hands, not expended, or which may come into his hands, applicable to the purposes of this Act, shall be invested in the Debentures of that part of this Province heretofore Upper Canada, at six per cent. interest, and the annual interests or rents thereof, placed under the control of the Governor, or Person administering the Government of the Province for the time being, to be distributed, by and with the advice and consent of the Executive Council, among such Districts within that part of the Province formerly called Upper Canada as may more immediately require assistance, owing to the state of the School House or other circumstances.

Monies arising  
from the sale  
of School  
lands to be  
invested in  
Debentures  
and the pro-  
ceeds distri-  
buted among  
the several  
Districts.

III. And be it enacted, that, within three months after the passing of this Act, the Council of King's College, or their Bursar, or Treasurer, shall transfer and pay over to the Receiver General, as aforesaid, all Debentures unredeemed, and sums of money arising from unexpended arrears of interest, which may have accrued thereon and be at present held under the authority of the Act hereby repealed, by the said Council, or Treasurer, on account of the proceeds of the sale of School Lands as aforesaid, to be by the said Receiver General invested in debentures, and the interests and rents thereof, appropriated and distributed as hereinbefore mentioned.

King's College  
to transfer and  
pay over all  
monies and  
Debentures to  
the Receiver  
General.



£100 per annum may be advanced to the Trustees for an additional Master, etc.

IV. And be it enacted, that a sum not exceeding one hundred pounds per annum, may be advanced to each of the several Boards of Trustees for the said Grammar Schools, from time to time, out of any monies in the hands of the Receiver General, arising from the sale of the said School Lands, and applicable to the purposes of this Act, to be expended in providing an additional Master and other additional means of instruction for the Grammar Schools in the Districts respectively, within that part of the Province formerly called Upper Canada.

£200 may be granted to each District for the erection of a School House.

V. And be it enacted, that it shall and may be lawful for the Board of Trustees in any District now constituted, or hereafter to be constituted, in that part of the Province formerly called Upper Canada, out of any monies in the hands of the Receiver General applicable to the purposes of this Act, as aforesaid, to receive a sum not exceeding two hundred pounds, to aid in the construction and erection of a suitable building for a School House in each District, provided an equal sum shall be raised by subscription among the Inhabitants for the like object, and provided they shall guarantee the permanent insurance of the building.

Governor may advance £100 per annum to two additional Schools in a district, and may extend that aid to four Grammar Schools.

VI. And be it enacted that it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government for the time being, by and with the advice and consent of the Executive Council, as aforesaid, to authorize a sum not exceeding one hundred pounds, per annum, out of the monies arising from the sale of the said Lands, for each School to be paid to any Board of Trustees for the use and support of two other Schools than the one in the Town where the Court House is situated, in any Town, Township, or Village, within any of the Districts aforesaid, in which the inhabitants shall provide a suitable School House, at which not less than fifty scholars shall be educated: Provided any such additional School shall not be within six miles of the District Town: And provided always, that nothing herein contained shall prevent the Governor, Lieutenant Governor, or Person administering the Government of the Province for the time being, by and with the advice and consent of the Executive Council thereof, from extending the aid to four Grammar Schools, (including the said two,) other than the one established in the District Town, should it be deemed expedient.

Accounts to be rendered.

VII. And be it enacted, that an account in detail of the sums received and expended under the provisions of this Act, shall be rendered to the Governor, Lieutenant Governor, or Person administering the Government of this Province, annually, in order that the same may be laid before the Legislature, within thirty days after the commencement of each Session.

Act of Upper Canada, 2 Victoria, Chapter 10, repealed.

VIII. And be it enacted, that the Act of the Legislature of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, intituled: "An Act to provide for the advancement of Education in this Province," shall be, and the same is hereby repealed. Provided always, that such repeal shall not annul, or be construed to annul, any order, engagement, or Act, for the distribution of the interest upon the Debentures, by the Council of King's College, made and carried into effect previous to the passing of this Act; And provided also, that the management and sale of said School Lands shall continue to be conducted by the said Council of King's College, until further provision shall be made in that behalf at any future Session of the Legislature.

Proviso.

#### 4TH AND 5TH VICTORIA, CHAPTER XXXIV.

AN ACT TO GRANT A CERTAIN SUM OF MONEY AS AN AID TO THE VICTORIA COLLEGE.

*Baron Sydenham and Toronto, Governor-General.*

Passed, 18th September, 1841.

MOST GRACIOUS SOVEREIGN:

Preamble.

Whereas it is expedient to grant a certain sum of money, as an aid to the Victoria College, May it therefore please Your Majesty, that it may be enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;" and it

is hereby enacted by the authority of the same, that it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government, by Warrant, under his hand, to authorize the Receiver General to pay out to the Consolidated Revenue Fund of this Province, a sum not exceeding Five Hundred pounds, currency, to the Trustees of the Victoria College, as an aid towards the support of that Institution.

£500 granted  
as an aid to  
Victoria  
College.

II. And be it enacted, that the due application of the monies hereby appropriated, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct; and that an account of the expenditure of such monies, shall be laid before the Provincial Legislature within, fifteen days after the opening of the then next Session thereof.

Accounting  
Clause.

#### 4TH AND 5TH VICTORIA, CHAPTER XXXVII.

AN ACT TO INCORPORATE THE UPPER CANADA ACADEMY UNDER THE NAME AND STYLE OF VICTORIA COLLEGE.

*Baron Sydenham and Toronto, Governor General.*

Passed, 27th August, 1841.

WHEREAS His late Majesty, King William the Fourth, was graciously pleased to issue his Letters Patent, bearing date the twelfth day of October, in the seventh year of His Reign, in the words following:

“Upper Canada.

“William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etcetera.

Charter of the  
Upper Canada  
Academy  
recited.

“TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

“Whereas, divers of our Loving Subjects of the Wesleyan Methodist Church, in our Province of Upper Canada, represented to Us that with the aid of private and voluntary contribution, they have erected certain buildings in the vicinity of the Town of Cobourg, in the Newcastle District of our said Province of Upper Canada, adapted for the purposes of an Academy of Learning, with the intention of founding there an Academy for the general education of youth, in the various branches of Literature and Science on Christian principles, and that they have been advised that the said undertaking would be more successfully and effectually prosecuted by Our Royal Sanction, by means of a Royal Charter of Incorporation, they have most humbly supplicated Us to grant Our Royal Charter of Incorporation, for the purposes aforesaid, under such regulations and restrictions as to Us might seem right and expedient.

Petition of  
divers mem-  
bers of the  
Wesleyan  
Church.

Prayer.

“Now know Ye that We, being desirous to maintain sound and useful learning in connection with Christian Principles, and highly approving the design of promoting the same in Our said Province of Upper Canada, by means of the founding an Academy of Learning, in Our said Province, have by virtue of Our Royal Prerogative and of Our especial Grace, certain knowledge, and mere motion, granted, constituted and declared, and by these Presents for Us, Our Heirs and Successors, do grant, constitute and declare that the Academy intended to be so founded, shall be called ‘The Upper Canada Academy,’ and that for the purpose of establishing and maintaining the same, there shall be nine Trustees, three of whom shall go out of Office annually in rotation, and whose places shall be supplied in manner hereinafter mentioned, and that Our Trusty and Well-beloved Subjects, The Reverend William Case, The Reverend John Beatty, Wesleyan Ministers of the City of Toronto, Home District, in Our said Province; Ebenezer Perry, Merchant; George Benjamin Spencer, Gentleman; John M’Carthy, Merchant of Cobourg, aforesaid; James Rogers Armstrong, of the City of Toronto, Home District, Merchant; John Counter, of Kingston, Midland District in Our said Province, Baker; Billa Flint, Junior, of Belleville, in the Midland District of Our said Province,

The Academy  
Incorporated  
Name.

First Trustees  
appointed.

Name by which the Corporation may exercise their corporate powers.

Corporate powers granted.

Trustees may accept gifts and endowments.

Literature and Science to be taught on Christian principles.

Five Visitors to be appointed annually.

Five Visitors appointed.

Treasurer and Secretary to be appointed.

Trustees' Meeting. Visitors' Meeting. Trustees and Visitors to form the 'Board' of the Corporation.

" Merchant; and the Reverend William Ryerson, of Hamilton, in the Gore District of Our said Province, shall be and are hereby appointed and declared to be the first nine Trustees of the said Academy, and shall be and are hereby constituted one Body Politic and Corporate, by the name of 'The Trustees of the Upper Canada Academy' and shall by the same name and for the purposes aforesaid, have perpetual succession, to be kept up in manner herein after directed, and shall have a common seal, with power to break, alter and renew the same at their discretion, and shall by the same name, sue and be sued, implead and be impleaded, answer and be answered unto, in any and every Court of Us, Our Heirs and Successors in any and every part of Our Dominions.

" And we do hereby will and ordain, that by the same name, they and their Successors shall be able and capable in Law to take, purchase and hold to them and their Successors, any goods chattels and personal property whatsoever, and shall also be able and capable in Law, to take, purchase and hold to them and their successors, not only all such Lands, Buildings, Hereditaments and Possessions, as may be from time to time, exclusively used and occupied for the immediate purposes of the said Academy; but also any other Lands, Buildings, Hereditaments and Possessions whatsoever, situate within Our Dominions of North America, not exceeding the annual value of Two Thousand Pounds, sterling money, such annual value to be calculated, and ascertained, at the time of taking, purchasing and acquiring the same, and that they and their successors shall be able and capable in Law, to grant, demise, alien, or, otherwise dispose of, all or any of the property, real or personal, belonging to the said Academy, also to do all other matters and things incidental or appertaining to a Body Corporate, and they and their successors shall have the custody of the Common Seal of the said Academy, with power to use the same for the affairs and concerns thereof. And that the Trustees shall have power to accept, on behalf of the said Academy, gifts and endowments for promoting particular objects of Education, Science and Literature, or otherwise, in aid of the general purposes of the said Academy, on such terms and conditions as may be agreed on for the purpose between the Trustees and the persons bestowing any such gift or endowment.

" And We do hereby will and ordain, that the various branches of Literature and Science shall be taught on Christian principles in the said Academy, under the superintendence of a 'Principal' or other 'Head,' Professors and Tutors, or such other Masters or Instructors as shall from time to time be appointed in the manner hereinafter mentioned.

" And we do hereby will and ordain that there shall be five Visitors of the said Academy, with authority to do all those things which pertain to Visitors, as often as to them shall seem meet, and who shall go out of Office annually.

" And we will and ordain, that our Trusty and Well-beloved Subjects, Charles Biggar, Esquire, Justice of the Peace, Murray, Newcastle District; Joseph A. Keeler, Esquire, Justice of the Peace, Colborne, Newcastle District; the Reverend John Ryerson, Wesleyan Minister, Hallowell, District of Prince Edward Island; the Reverend Joseph Stinson, Wesleyan Minister, Kingston, Midland District; and Alexander Davidson, Esquire, Port Hope, Newcastle District, shall be the first Visitors of the said Academy, and their Successors shall be elected in manner hereinafter mentioned.

" We further will and ordain, that there shall be a Treasurer and Secretary of the said Academy, who shall and may be chosen and displaced by the Trustees, as they shall think fit, at a meeting of the Trustees, at which not less than five of the Trustees shall be present. That a meeting of the Trustees, only, shall be called a 'Trustee Meeting,' of which five shall be a quorum; and a meeting of Visitors alone, shall be called a 'Visitors' Meeting' of which three shall be a quorum. That the Trustees and Visitors together shall be called the 'Board' of the said Academy, and a meeting of the Trustees and Visitors shall be called a 'Board Meeting' of which eight shall be a quorum, and in all such meetings, a Chairman shall be appointed by the members then present from amongst themselves, and all questions which it shall be competent for any such meeting to decide shall be decided by the majority of the Members, being a quorum of such meeting there present, and the Chairman of every such meeting shall have a vote, and in case of an equality of votes, shall have a



"second or casting vote. That the Board, for the time being, shall have full power from time to time to appoint, and as they shall see occasion, to remove the 'Principal,' or other 'Head' the Professors, Tutors and Masters, and all Officers, Agents and Servants of the said Academy. And the said Board shall have full power, from time to time, to make and to alter, or vary any By-laws and regulations touching and concerning the time and place of the holding ordinary Trustee Meetings, Visitors' Meetings, and Board Meetings, and for the good ordering and government of the said Academy, the performance of Divine Service therein, the Studies, Lectures, and Exercises of the students, and all matters respecting the same; the residence, duties salary, provision and emoluments of the 'Principal,' or other 'Head' of the said Academy; the number, residence, duties, salaries, provision and emoluments of the Professors, Tutors, Masters, Officers, Agents and Servants of the said Academy, respectively, and all other matters and things which to them may seem good, fit and useful for the well ordering, governing and advancement of the said Academy; and all such By-laws, when reduced into writing, and after the Common Seal of the Academy hath been affixed thereto, shall be binding upon all persons and members thereof: Provided, that no such By-law shall be repugnant to the Laws and Statutes of Great Britain and Ireland, or of Our said Province of Upper Canada, or to this Our Charter: Provided also, that no religious test or qualification shall be required of or appointed for any person on his admission as a student or scholar into the said Academy; That any three Trustees shall, by notice in writing to the other Trustees, be competent to call an extraordinary Trustee Meeting, and any two of the Visitors shall be competent, in like manner, to call an extraordinary Visitors' Meeting, and any five Members of the Board shall be competent in like manner to call an extraordinary Board Meeting at any time and place they may see fit, on any occasion which in their judgment may render it expedient for them so to do; That the Trustees, Visitors and Board shall respectively, cause Records and Minutes of all the proceedings, acts and resolutions of all and every of their meetings, ordinary and extraordinary, to be entered and kept in Books provided for that purpose, and which Records and Minutes shall, before the breaking up, or adjournment, of any such Meeting, be read aloud by the Chairman in the presence of such Meeting, and shall be signed by him, and being so signed, shall, until the contrary be shown be deemed and taken to be the Record and Minutes of such Meeting, and that the same Meeting was duly convened and held. And the said Trustees shall keep a Book or Books of Accounts of Financial Affairs of the said Academy, all which Books of Records, Minutes and Accounts shall be produced to and audited yearly at the Annual Meeting as hereinafter mentioned; That for making provisions for filling up vacancies in the places of Trustees dying, resigning or going out of office in manner hereinafter mentioned, and for appointing Visitors to the said Academy, there shall be holden in each year an Annual Meeting of the Ministers of the said Wesleyan Methodist Church in Upper Canada, and the first Annual Meeting of the said Ministers shall be holden at the City of Toronto, or in the Town of Cobourg in Our said Province, on the second Wednesday in the month of June, one thousand eight hundred and thirty-seven, and every subsequent Annual Meeting shall be holden at a place, and on some day in the month of June, to be fixed and appointed at the said first and every subsequent Annual Meeting, for the then next Annual Meeting, and, if no such day shall be fixed and appointed, as aforesaid, the said Annual Meeting shall be holden on the second Wednesday in the month of June, and, if no place shall be fixed and appointed, as aforesaid, shall be holden at the city of Toronto, aforesaid. Provided always, that every person who shall at the time of any such Annual Meeting, be duly authorized to solemnize the ceremony of Matrimony in our said Province, by virtue of an Act of the Provincial Parliament of our said Province, made and passed the first year of Our Reign, and assented to by Us, entitled An Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province, and who shall have duly obtained a certificate for that purpose as a Wesleyan Methodist Minister, according to the Provisions of the said Act, and no other person whomsoever, shall be deemed and taken to be Wesleyan Methodist Minister within the true intent and meaning of these Presents. That on the day on which the Annual Meeting in the year one thousand eight hundred and thirty-seven, one thousand eight hundred and thirty eight, and one thousand eight hundred and thirty-nine, three of the Trustees, who shall then have been

**Powers of the Board.**

**Board may make By-Laws.**

**By-Laws not to be repugnant to the Laws of the Land.**

**No religious test to be required of students.**

**Extraordinary Meeting of Trustees, how called.**

**Minutes or proceedings to be kept.**

**The Accounts of the Financial Affairs of the Corporation.**

**Vacancies in the Office of Trustees, how filled.**

**Who shall be deemed a Wesleyan Minister of the Charter.**

**Three Trustees to retire annually from office.**

Trustees going out, to act until the meeting is adjourned. Three Trustees to be elected at each annual meeting.

Vacancies by casualty, how filled up.

Visitors to be appointed at annual meetings.

No person to be at once Trustee and Visitor. Trustees and Visitors to make an Annual Report and balance the accounts of the Corporation.

Secretary and President to be elected.

Quorum at annual Meetings to be forty. Election of Trustees and Visitors, and other acts done at annual meetings, how recorded. Provisions of their Charter to extend to any Ministers of the Wesleyan Methodist Church hereafter authorized to solemnize Matrimony.

"longest in office, shall go out of office, calculating the period for which each of the Trustees for the time being shall have been in office, from the day of his last Election, in case of his having been elected more than once; But the Trustees who on the day on which any Annual Meeting shall be held are to go out of office by Ballot, or rotation, as aforesaid, shall not be considered out of office until after such meeting shall have been broken up or adjourned. That, on the day on which the Annual Meeting in the year one thousand eight hundred and thirty-seven shall be holden, and on the day on which every succeeding Annual Meeting shall be holden, three Trustees shall be elected in the places of three, who are to go out by Ballot or Rotation, as hereinbefore is mentioned, but every Trustee going out of office, whether by Ballot, or Rotation, shall be considered immediately re-eligible; That, in case there shall be caused vacancy among the Trustees arising from death, or any cause, except that of going out by Ballot or Rotation, as before mentioned, the Annual Meeting next after, or during which any such casual vacancy shall occur, shall also elect a Trustee or Trustees, as the case may be, to fill every such casual vacancy, and any person who shall be elected a Trustee in consequence of, and to fill up such casual vacancy, shall be a substitute for the person whose place he may supply, and shall continue in Office only for the same period, as the person whose place he may supply would have continued if such person had continued in office until such time as he must necessarily have gone out by Ballot or Rotation, as before mentioned. That the said Annual Meeting, to be holden in the year one thousand eight hundred and thirty-seven, shall appoint five Visitors of the said Academy in the place of the five Visitors appointed by this Our Charter, and every subsequent Annual Meeting shall appoint five Visitors in the places of the five who were in office during the preceding year, but any Visitor going out of office, shall be re-eligible to be immediately re-appointed to the Office of Visitor: Provided, that no person shall, at the same time, be both a Trustee and Visitor of the said Academy; That at the Annual Meeting in the year one thousand eight hundred and thirty-seven, and at the like meeting every succeeding year, the Trustees and Visitors shall report their proceedings during the preceding year, in the execution of their Office and of the then existing state of the Academy, and shall cause the accounts to be balanced up to the thirty-first day of December in every year, or up to such other period as any Annual Meeting may, from time to time, appoint, and shall in every year produce, and lay all such accounts and proceedings before the said Annual Meeting, all which accounts and proceedings shall be examined, in every year, before the Annual Meeting, and so far as such account and proceedings shall be found to be correct, and shall not be found contrary and repugnant to this Our Charter, nor to any such Law, as aforesaid, the same shall be allowed and signed by the President and Secretary of the said Annual Meeting, and being so allowed and signed, shall, unless, and until the same be shown to be incorrect, be binding and conclusive on all the Members of the said Corporation, and all persons claiming under them. That the said Annual Meeting shall, at any such Meeting, elect a Secretary and a President from among themselves, who shall continue in office unless sooner displaced by the said Annual Meeting, until a Secretary and President shall be in like manner elected, at the then next subsequent Annual Meeting, and such Secretary and President shall each have a vote, as other Members of the Meeting, and in case of an even division, the President shall have and give an additional, or casting vote; That no act in the premises shall be done at any such Annual Meeting, unless there be forty Members thereof, or upwards, present at the doing thereof, and the act of a majority of the Members present shall be the act of the Meeting; That the Election and appointment of all Trustees and Visitors of the said Academy, by the said Annual Meeting, and all other their Acts in the premises, shall be recorded in a Book by the Secretary for the time being, and after being read aloud in the Meeting by the Secretary for the time being, shall be signed by him and by the President for the time being, and, being so signed, shall, so far as the same be not repugnant to this Our Charter, or to any such Law as aforesaid, be binding, on the said Ministers, and on all the Members of the said Corporation, and on all persons claiming under them. That in case the said Act of our said Province, hereinbefore mentioned, shall hereafter at any time, or from time to time, altered or repealed in whole or in part, and any other provision or enactment shall, at any time or time hereafter, be added to the said Act, or substituted for the same, or any part thereof so repealed, and by which added or substituted enactment, the Ministers of the said Wesleyan Methodist Church, in our said Province, shall be authorized to solemnize Matrimony, this Our Charter, shall for all and every the intents and purposes and privileges of this



"Our Charter, be held to have reference to every such added or substituted enactment as fully and effectually as the same now has to the said Act hereinbefore mentioned.

"And lastly, We do hereby for Us, Our Heirs and Successors, grant and declare, that these Our Letters Patent, or the emolument or exemplification thereof, shall be in and by all things valid and effectual in the Law according to the true intent and meaning of the same, and shall be construed and adjudged in the most favorable and beneficial sense for the best advantage of the said Academy, as well in all Our Courts of every part of Our Dominions as elsewhere, notwithstanding any non-recital, mis-recital, uncertainty or imperfection in these Our Letters Patent.

Charter to be valid notwithstanding any defect of form.

"In testimony whereof, we have caused these Our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed. Witness our trusty and well-beloved Sir Frances Bond Head, K. C. H., etc., etc., etc., Lieutenant Governor of Our said Province, at Our City of Toronto, this twelfth day of October, in the Year of Our Lord one thousand eight hundred and thirty-six, and in the seventh year of Our Reign.

Attest.

F. B. HEAD.

By Command of His Excellency,

D. CAMERON, Secretary.

And Whereas, by the Petition of the said Board, it appears that the said Academy has been in continuous operation during the last five years, and that its success and usefulness would be greatly increased if it were incorporated with the style and privileges of a College; and whereas the said Board have prayed for the incorporation of the said Academy under the name and style of "Victoria College" at Cobourg, with such privileges as were intended to be conferred upon a College about to be established at Kingston, in connection with the Church of Scotland, by an Act of the Legislature of the late Province of Upper Canada, intituled: "An Act to establish a College by the name and style of the University at Kingston;"\* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled: "An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;" and it is hereby enacted by the authority of the same, that, for and notwithstanding anything in the said Charter contained, the said Academy shall hereafter be called and known as "Victoria College" at Cobourg; and that all the provisions of the said Charter, hereinbefore recited, shall be in full force and apply to everything which appertains to the Constitution, Government, Management, Proceedings and Interest of the said College, as they have heretofore applied to the said Academy.

Preamble.

Petition of the Board of the said Academy recited.

Name of the Corporation to be held after "Victoria College" Provisions of the said Charter to apply to the said College.

II. And be it enacted, that the Annual Meeting, or Conference, of the Ministers of the Wesleyan Methodist Church, mentioned and provided for in the hereinbefore recited Charter, for the filling up of vacancies in the Board of Trustees and Visitors, and for other purposes, shall be held each year at any time and place the said Meeting, or Conference, may from time to time appoint.

Annual Conference of the Wesleyan Methodist Church, when to be held.

III. And be it enacted, that the Principal and Professors in the said College, together with the Members of the Board, (a majority of whom shall form a quorum) shall constitute "the College Senate," which may be assembled as occasion may require by the Principal, by giving one month's notice in the Official Gazette of this Province; and which, whenever there shall be a Principal and four Professors employed in said College, shall have power and authority to confer the degrees of Bachelor, Master and Doctor in the several Arts and Faculties.

A College Senate constituted. Senate when consisting of five members may confer degrees.

IV. And be it enacted, that the President of the Executive Council, the Speakers of the Legislative Council and Legislative Assembly, and the Attorney and Solicitor General for Canada West, shall be *ex-officio* Visitors of the College, and, as such, Members of the Senate and Board.

Ex-officio Visitors appointed.

V. And be it enacted, that the words "Canada West" in this Act shall be understood to mean all that part of the Province which formerly constituted the Province of Upper Canada.

Interpretation clause.

\*A copy of this Act will be found on pages 235-238 of the Third Volume of this Documentary History.



CHAPTER IV.

PROCEEDINGS OF THE COUNCIL OF KING'S COLLEGE, 1841.\*

During the year 1841, the Council of King's College transacted a large amount of miscellaneous business, but none of special public interest. Most of this business consisted in considering and disposing of applications for buying, or leasing, University and School Lands, and dealing with various details connected with the Upper Canada College, and with the University' grounds, and also the proposed University Buildings.

I have only selected, from the Minutes of Proceedings of King's College Council for 1841, such portions as are of general interest, or which deal with matters affecting the well-being of the University,—then beginning to take practical shape and form, as an important educational Institution, in connection with its adjunct—or appendage—the Upper Canada College.

*January 30th, 1841.*—At this first Meeting of the Council in 1841, the Bursar submitted the following financial statements :

1. Statement of the unappropriated funds of King's College on the 30th January, 1841 :

Provincial Debentures held by the College Council . . . . .	£28,626.15.5
Stock of the Bank of Upper Canada . . . . .	250. 0.0
Stock of the Gore Bank . . . . .	187.10.0
Cash balance in the Bank of Upper Canada . . . . .	227. 5.3
Cash balance in the Bursar's hands . . . . .	28.16.0 <sup>1</sup> / <sub>2</sub>
Interest payab'le on Debentures . . . . .	90. 0.0
Total . . . . .	<u>£29,410. 6.8<sup>1</sup>/<sub>2</sub></u>

2. Statement of the Grammar School funds held by the Council, under the Act of 1839, (2nd Victoria, Chapter 10), up to the 30th of January, 1841 :

Provincial Debentures . . . . .	£14,359. 0. 0
Balance of Cash standing to the account of the Council of King's College for Grammar Schools, in the books of the Bank of Upper Canada . . . . .	889.18.11
Total . . . . .	<u>£15,248.18.11</u>

BURSAR'S OFFICE, 30th of January, 1841.

H. Boys,  
Bursar.

A letter from Lieutenant-Colonel Wells, dated the 26th instant, was read, requesting that the Council would direct its Solicitor to select from the schedule of the Lieutenant Colonel's assets,\* such securities as he might deem perfectly safe ; and, that then the Council would accept an assignment of them, and relieve the Lieutenant-Colonel's debt to the College to the amount of such selected securities. In regard to this letter it was ;

*Ordered,* That Lieutenant-Colonel Wells' letter be referred to the Solicitor of this Council.

\* The Minutes of the College Council for 1840 will be found on pages 299-309 of the Third Volume of this Documentary History.

A Memorial, dated the 14th instant, from Messieurs George P. and John Ridout was read, setting forth the difficulties in which they find themselves involved, and praying the Council to accept 600 acres of land, particularized in the Memorial, submitted, in lieu of their Brother's Bond to the College for £500, in which they are bound as sureties.

In regard to the grant, by the Council, of a Site for the Observatory, it was :

*Ordered*, That the Corporate seal be affixed to the Deed, from the Council of the University of King's College to the Queen, of the Site for a Majestic Observatory.

*February 3rd, 1841.*—Meeting called, but there was no quorum ; four Members present.

*February 6th, 1841.*—Meeting called, but there was no quorum ; four Members present.

#### EXHIBITIONS IN UPPER CANADA COLLEGE, 1841.

*February 17th, 1841.*—The following Report on the expediency of founding exhibitions in Upper Canada College, was adopted by the Council of King's College :

The Committee, to whom it was referred by the Council to report on the expediency of founding Exhibitions in Upper Canada College, have the honour to present the following suggestions as the result of their inquiries :

1. That the foundation of Exhibitions in Upper Canada College cannot fail to produce highly beneficial effects, as affording the advantages of the higher branches of study in that Institution, to those, whose want of means would prevent them from enjoying the benefits of an extended course of education. Nor would the utility be confined in its application merely to those who would possess the privilege attached to such foundations, but appear calculated to promote the interests both of the College and of the Grammar Schools, and raise the standard of education throughout the Province.

2. That the mode of election to these Exhibitions should be by public nomination.

3. That the best answerers at that Examination shall be declared duly elected to the places then vacant, unless it shall be reported to the Council, that any candidate, or candidates, have manifested such imperfect acquaintance with the subjects of Examination as to disqualify them for entering the 5th Form, and to render expedient that the vacancy, or vacancies, should not then be filled up.

4. That, "cæteris paribus," the former candidate shall be preferred.

5. That the subjects of nomination shall be :—Greek, Latin and Mathematics, (Arithmetic included).

6. That the Examiners shall be the Principal of Upper Canada, and those Masters of that Institution, whom he shall nominate for that duty.

7. That the Examination shall be held annually, in the second week of January ; and that the declaration of the successful candidates shall be made on the Monday following.

8. That, within one fortnight after the declaration, notice shall be given, by public advertisement, of the subjects of Examination for the next year, and the number of vacancies ; also, that the names of the successful candidates, at the last examination, shall be then published, specifying the Schools at which they were educated.

9. That all candidates shall be eligible who shall produce testimonials of good conduct and qualifications from the Principal, or Head Master, of any Institution for Education in Canada.

10. That the testimonials shall be lodged with the Collector of Upper Canada College, one month before the first day of the Examination.

11. That the number of such Exhibitions shall be twelve, and that of those, there shall be three classes : (a), to which shall be attached exemption from College dues for Tuition ; (b), and to which shall be attached in addition to the above the annual stipend of £10 ; and (c), to which shall be attached exemption from College dues for board and Tuition.

\* This Schedule is referred to on page 194 of the Third Volume of this Documentary History. It is set out in detail on pages 86-90 of the Second Volume of the Minutes of King's College Council.

12. That the Exhibitions shall be held, until the Exhibitioners shall have completed, or have reached, the usual time for completing, the course of study appointed for the highest Form in the College.

13. That the maximum number of vacancies filled up at any one Examination shall be six, and the minimum, four; except when the regular number of vacancies for any year shall not have been filled up, or, when an additional number of vacancies shall have arisen from death, or any other cause; and, in these cases, such vacancies shall be filled up, in addition to the number regularly vacated, at the next succeeding Examination, provided that there shall have been given twelve months' notice that they are then to be filled up.

14. That the vacancies, when four, one shall be of the first class; one of the second, and two of the third; and that when six, the distribution shall be three of the third class, and one and two, alternately, in each of the first and second classes.

15. That the election to these classes shall be according to the answering at the Examination.

KING'S COLLEGE COUNCIL CHAMBER,  
TORONTO, February, 1841.

JOHN MCCAUL,  
ROBERT S. JAMESON, } Committee.

*February 17th, 1841.*—At the meeting of the College Council held this day, the Grammar School Regulations which were agreed to by the Council on the 20th of June last, were re-considered and revised.\* The following Minute on the subject was passed:

The annexed revised Regulations for District Grammar Schools were considered by the Council and approved, and it was

*Ordered:* That these Regulations be transmitted to His Excellency the Chancellor for his sanction, and being sanctioned, they be printed for circulation in the Country, with the following Preamble, which is also to be submitted for the approval of the Chancellor:—

Pursuant to the ninth section of an Act of the Provincial Parliament of Upper Canada, passed in the second year of the reign of Her Majesty, chapter 10, intituled: "An Act to Provide for the Advancement of Education in this Province," it is *Ordered* by the Honourable Council of King's College that the following Rules, Regulations and By-laws be made and adopted for the conduct and good government of the Schools established under the said Act; and all persons whom the same may concern are hereby required to govern themselves accordingly.

KING'S COLLEGE COUNCIL CHAMBER,  
TORONTO, 17th February, 1841.

H. BOYS,  
Registrar.

GEORGE ARTHUR,  
Chancellor.

Approved March the 4th, 1841.

#### REGULATIONS FOR THE GOVERNMENT OF GRAMMAR SCHOOLS IN UPPER CANADA, 1841.

*Admission of Pupils.*—Each Pupil to be examined by the Head Master, and to be placed according to his qualifications.

*General Directions.*—Distribution of Pupils.—Subjects of instruction, and books, to be, as far as practicable, according to the subjoined model:

#### *General Daily Duties.*

1. The roll to be called at one-quarter before Nine o'Clock A.M., and immediately after, Prayers.
2. A Register of absence of Pupils to be kept by the Head Master.
3. The hours of attendance to be five, except on Wednesdays and Saturdays, which days to be half holidays.
4. A Programme to be drawn out by the Head Master, and placed in the School Room, showing the subjects for instruction and the time for each form for each day.
5. The first lesson on Monday morning to be recitation from the New Testament, and the last on Friday, to be on subjects connected with the elucidation of the Holy Scriptures.
6. The business of the day to be closed with Prayer.

\* A record of the proceedings of a Meeting, held at Hamilton on the 28th of June, 1841, objecting to these Regulations will be found in Chapter X. of this Volume.



*Vacations.*

A week at Christmas ; three days at Easter,—(Good Friday, Saturday and Monday); a week at Whitsuntide, and a month in midsummer.

Occasional holidays to be at the discretion of the Head Master, but the whole number in the year not to exceed twelve.

*Quarterly Dues* are at the discretion of the Trustees, but not to exceed :

Preparatory Form..... £1.10.0 per quarter.

Partial and other Forms ..... 2.5.0 per quarter.

*Prayers* at the close of the business of the day.

*Let us pray.*

Our Father, which art in Heaven, hallowed be Thy Name ; Thy Kingdom come ; Thy will be done in earth as it is in Heaven ; give us this day our daily bread and forgive us our trespasses, as we forgive them that trespass against us ; and lead us not into temptation, but deliver us from evil, for Thine is the Kingdom, the Power and the Glory, for ever and ever. Amen.

Most merciful God, we yield Thee our humble and hearty thanks for Thy Fatherly care and preservation of us this day, and for the progress which Thou hast enabled us to make in useful learning. We pray Thee to imprint upon our minds whatever good instructions we have received, and to bless them to the advancement of our temporal and eternal welfare ; and pardon, we implore Thee, all Thou hast seen amiss in our thoughts, words and actions. May Thy good Providence still guide and keep us during the approaching interval of rest and relaxation, so that we may be thereby prepared to enter on the duties of the morrow with renewed vigour both of body and mind ; and preserve us, we beseech Thee, now and ever, both outwardly in our bodies, and inwardly in our souls, for the sake of Jesus Christ, our Lord. Amen.

\* Lighten our darkness, we beseech Thee, O Lord, and by Thy great mercy defend us from all perils and dangers of this night, for the love of Thine only Son, our Saviour, Jesus Christ. Amen.

The Grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost, be with us all evermore. Amen.

*Prayers* before entering upon the business of the day.

*Let us pray.*

Our Father, which art in Heaven, hallowed be Thy name ; Thy Kingdom come ; Thy will be done on earth as it is in Heaven ; give us this day our daily bread, and forgive us our trespasses as we forgive them that trespass against us ; and lead us not into temptation, but deliver us from evil, for Thine is the Kingdom, the Power and the Glory, for ever and ever. Amen.

O Lord, our Heavenly Father, Almighty and Everlasting God, who hast safely brought us to the beginning of this day, defend us in the same with Thy mighty power, and grant that this day we fall into no sin, neither run into any kind of danger, but that all our doings may be ordered by Thy governance, to do always that is righteous in Thy sight, through Jesus Christ, our Lord. Amen.

O, Almighty God, the giver of every good and perfect gift, the fountain of all wisdom, enlighten, we beseech Thee, our understandings by Thy Holy Spirit, and grant that, whilst with all diligence and sincerity we apply ourselves to the attainment of human knowledge, we fail not constantly to strive after that wisdom which maketh wise unto salvation, that so, through Thy mercy, we may daily be advanced both in learning and Godliness, to the honour and praise of Thy name, through Jesus Christ our Lord. Amen.

The Grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost be with us all, evermore. Amen.

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\* This prayer may be omitted on Wednesdays and Saturdays.

*Preparatory Form.*

1. *Subjects*.—Latin Accidence; Grammar; Reading and Spelling; Writing and Arithmetic; Learning by heart verses of the English New Testament.

2. *Books*.—Bible; Eton Latin Accidence; Howard's Introductory Latin Exercises; Lennie's English Grammar; Souter's Reader; Carpenter's Spelling Book; Butler's Tables; Walker's First Four Rules of Arithmetic.\*

*First Form.*

1. *Subjects*.—Latin Syntax; Writing Latin and English Exercises; Construing and Parsing easy Latin Sentences; History; Grammar; Reading and Spelling; Writing and Arithmetic; learning by heart verses of the English New Testament.

2. *Books*.—Eton Latin Grammar; Valpy's Latin Delectus; Hogarth's Outlines of English History.\*

*Second Form.*

1. *Subjects*.—"Propria Quæ Maribus;" "and As in Præsentē;" Construing and Parsing easy Latin Sentences; Writing Latin and English Exercises; History and Geography; Reading and Spelling; Writing and Arithmetic; Learning verses of the English New Testament by heart.

2. *Books*.—Ellis' Latin Exercises; Stewart's Geography; King's College Modern Atlas; Thompson's Arithmetic.\*

*Third Form.*

1. *Subjects*.—Prosody; Construing and Parsing Latin; Greek Accidence; Writing Greek, Latin and English Exercises; History and Geography; Drawing Maps; Reading; Writing and Arithmetic; Learning verses of the English New Testament by heart.

1. *Books*.—Cornelius Nepos, and Phœdrus; Latin Dictionary; Bloomfield's Contractions of Matthiæ's Greek Grammar; Howard's Introductory Greek Exercises; Goldsmith's History of England; Enfield's Speaker.\*

*Fourth Form.*

1. *Subjects*.—Construing and Parsing Latin Prose and Verse, with application of the Rules; Construing and Parsing easy Greek Sentences; Greek and Latin Grammar; Writing Greek and Latin Exercises; History and Geography; Use of the Globes; Reading, Writing and Arithmetic; Algebra; Geometry; Learning verses of the English New Testament by heart, and also Latin Verses.

2. *Books*.—Ovid's Metamorphoses; Cæsar; Valpy's Greek Delectus; Hincks' Ancient Geography; King's College Ancient Atlas; Keith's Use of the Globes; Goldsmith's History of Rome; Bridge's Algebra; William's Symbolical Euclid; Lemprier's Classical Dictionary.\*

*Fifth Form.*

1. *Subjects*.—Construing and Parsing Greek and Latin Prose and Verse; Writing Greek and Latin Exercises; Greek and Latin Grammar; Elements of Latin Versification; History, Geography and Antiquities; Algebra and Geometry; Arithmetic and Book-Keeping; Mensuration; English Composition; Reading and Elocution; Learning verses of the English New Testament by heart, also Latin Verses.

2. *Books*.—Sallust; Selections from Ovid's Fasti; Eton Electa; Analecta Minora, (commenced in this and finished in the sixth form); Valpy's Greek Exercises; Greek Testament; Greek Lexicon; Goldsmith's History of Greece; Abridgment of Roman Antiquities; Steps to Sense Verses; Gradus and Parnassus; Morrison's Book-Keeping; Bonnycastle's Mensuration.\*

*Sixth Form.*

1. *Subjects*.—Construing and Parsing Greek and Latin Prose and Verse; Latin Versification; Greek and Latin Exercises; Latin and English Composition; Greek and Latin Grammar; History, Geography and Antiquities; Algebra; Geometry; Book-Keeping; Reading and Elocution; Learning verses of the English New Testament by heart; also Greek and Latin Verses.

\* Where the Book is not specified, that previously used is to be continued.

2. *Books*.—Cicero, (Select Orations,) ; Virgil, (*Æneid*,); Homer, (*Iliad*,); Valpy's *Elegantia Latina*; Abridgment of Grecian Antiquities; Abridgment of Universal History.\*

*Partial Form.*

(Sub-divided as circumstances may require,) composed of those boys who do not receive instructions in Classics.

1. *Subjects*.—Spelling; Reading; Elocution; English Grammar; Exercises and Composition; Writing; Arithmetic, Book-Keeping, Mensuration; Algebra; Geometry; History; Geography; Drawing Maps; Use of the Globes; Elements of Natural Philosophy; Learning verses of the English New Testament by heart.

2. *Books*.—In addition to the Books used on the above subjects in the other Forms: Walker's Dictionary; Murray's Exercises; History of English Language and Literature; and Blair's Grammar of Natural Philosophy.\*

*Quarterly and Annual Reports and General Register.*

Quarterly Reports to be sent to the Parent or Guardian, of each pupil, filled up according to the form supplied by the Registrar of King's College.

Quarterly Reports, (signed by the Head Master,) to be transmitted to the Council of King's College, according to the form supplied by the same Officer.

Annual Reports, (signed by the Trustees and Head Master,) to be transmitted to the Council of King's College, according to the printed form supplied by the Registrar of King's College.

*General Register*.—A Register to be kept by the Head Master, in which the following particulars shall be entered.

- |                                       |                               |
|---------------------------------------|-------------------------------|
| 1. Name of the Pupil.                 | 5. Day Pupil, or Boarder.     |
| 2. Age and birth-place.               | 6. Where placed.              |
| 3. Address of the Parent or Guardian. | 7. Time of leaving.           |
| 4. When admitted.                     | 8. Rank in School on leaving. |

*Leaving*.—Each boy, on leaving the School, to receive a Certificate from the Head Master, stating the time during which he was a pupil in the School, his rank on leaving, and the time during which he was in that Form; with such remarks on his progress as the Master may judge fit to make.

I attest and certify that the foregoing is a true extract from the Minutes of the Proceedings of the Council of King's College.

KING'S COLLEGE OFFICE,  
TORONTO, 13TH JULY, 1841.

H. BOYS,  
Registrar of King's College.

The foregoing Report, having been considered, was approved, and the Registrar was directed to submit it, with the Preamble, to the Chancellor, for His Excellency's consideration and approval. If sanctioned by him, its provisions might be carried into effect without delay.

*March 3rd 1841*.—Meeting called, but there was no quorum; only two Members present.

*March 6th, 1841*.—Meeting called, but there was no quorum; only three Members present.

*March 31st, 1841*.—Meeting called, but there was no quorum; only four Members present.

*April 6th, 1841*.—Meeting called, but there was no quorum; only three Members present.

*April 14th, 1841*.—At this Meeting the Bursar submitted the following financial Statements:—

1. Statement of the unappropriated funds of King's College up to the 14th of April, 1841.

Provincial Debentures held by the Council of King's College,	£30,906	15	5
Stock of Bank of Upper Canada	"	"	250 0 0
Stock of the Gore Bank	"	"	187 10 0
Balance in the Bank of Upper Canada	"	"	129 1 0
Interest due on Debentures	"	"	72 0 0

£31,550 2 10½

\*Where a book is not specified, that previously used is to be continued.



2. Statement of the Grammar School funds at the disposal of the Council on the 14th of April, 1841.

Capital invested by the Council in Provincial Debentures,	£14,359	0	0
Interest invested in Provincial Debentures, until required,	1.000	0	0
	<u>£15,359</u>	<u>0</u>	<u>0</u>

BURSAR'S OFFICE,  
TORONTO, APRIL, 1841.

H. BOYS,  
Bursar of King's College.

A letter was read from Mr. James Hopkirk, Assistant Provincial Secretary, West, dated the 4th ultimo, conveying to the Council the approval of His Excellency, Sir George Arthur, the late Chancellor, of the Rules and Regulations relative to District Grammar Schools. (See page 63, *ante*.)

The subject of bringing the University into operation was considered; and, after much deliberation, the following Resolutions were proposed and adopted:—

1. *Resolved*, That on the 20th day of June last, the Council of King's College addressed His Excellency, Sir George Arthur, the then Chancellor of the University, praying that His Excellency would be pleased to make certain appointments pursuant to the Statutes of the University, Chapters IV and V, with a view to the practical commencement of the Institution.\*

2. *Resolved*, That on the 21st day of October last,† the Council, not having received any answer, again addressed His Excellency, with reference thereto, respectfully requesting that he would be pleased to inform the Council whether he had deemed it expedient, to act upon the suggestions which they had presumed to submit to him, and what hopes the Council were authorized to entertain of the University being soon in operation:—the Council being induced to solicit that favour from His Excellency, as well from their individual zeal for the object of their Address, as from the very great anxiety expressed upon the subject both in Canada, and, as they were assured, by persons in the British Isles, who were desirous of emigrating to this Province, to whom the existence of such an Institution would afford so strong an inducement in favour of their design, especially those in the communion of the Church of England.

3. *Resolved*, That, to this Address, His Excellency was pleased to cause an answer to be sent, informing the Council that His Excellency was well aware of the great importance of the University being brought as soon as possible into operation, and that it was his anxious wish, that it should be proceeded with as soon as circumstances would admit.‡ As, however, it was a measure in which, as he conceived, the Provinces of Upper and Lower Canada were equally interested, the more especially, at the present time, and with the prospect of their approaching Union, His Excellency was desirous of ascertaining the sentiments of the Governor General, (Lord Sydenham), on the subject, before taking any steps; and that he would immediately bring the matter under the Governor General's notice, in order to ascertain His Lordship's views upon the subject.

4. *Resolved*, That the Union of the Provinces having now taken place a respectful Address be presented to His Excellency, the Governor General, Chancellor of the University, requesting that he will now be pleased to carry into effect the objects of the first Address to Sir George Arthur, (Late Chancellor), by the appointment of the requisite Professors and University Officers.

5. *Resolved*, That, having reference to the growing necessity for an Institution of such vital importance to the Province, as well as their present pecuniary ability to provide fitting Buildings upon the site long since prepared to receive them, it is in the highest degree expedient forthwith to commence such Buildings and procure the necessary sanction for their erection.

6. *Resolved*, That, whereas it is desirable that all further delay in commencing the University should be avoided;—and inasmuch as the removal of the Legislature to Kingston has left the Parliament Buildings in this city at present unoccupied; and, as the Council believe, unappropriated; and, whereas those Buildings would be admirably adapted to the temporary purpose of Halls and Lecture Rooms, and other accommodations necessary for carrying the University into practical operation, without, in the slightest degree impairing their applicability to the purpose of Legislative Assemblies, should they at any future period be restored to their original use.

\*See pages 302 and 306 of the Third Volume of this Documentary History.

† Ibid page, 308. ‡ Ibid, page 309.

7. *Resolved*, That it be further requested of His Excellency, the Chancellor, that he will be pleased to place at the disposal of the Council of King's College such portions of the Parliament Buildings, as shall not be otherwise required for the public service, for the purposes above mentioned, for the space of one, or two, years, or until they shall have been able to raise and put in a habitable state the first wing of their intended University Buildings; subject to such restrictions as to internal alterations as His Excellency shall be pleased to order.

The Council entered on the consideration of some details respecting the Rules and Regulations for District Grammar Schools, and the Exhibitions founded in Upper Canada College. The forms for the recommendation of Assistants in the Grammar Schools;—also forms of application for the salary of the Assistants;—and directions for a general Report of progress in the Schools, were approved. The following notice to the Public, of the Exhibitions founded in Upper Canada College was also approved, *videlicet* :—

*Upper Canada College.* Notice is hereby given that the Council of King's College has founded Exhibitions in the above Institution; and the following extract from the Regulations regarding them is published for the information and guidance of those concerned.

1. The mode of election to the Exhibitions to be by Public examination.
2. The best answerers at the examination to be declared duly elected to the places then vacant, unless it shall be reported to the Council, that any candidate, or candidates, manifested such imperfect acquaintance with the subjects of examination as should disqualify him, or them, from entering the Fifth Form of the College, and thus render it expedient that the vacancy, or vacancies, should not then be filled up.
3. All candidates are eligible, who shall produce testimonials of good conduct and qualifications from the Principal, or Head Master, or any Institution for Education in Canada.
4. The above testimonials are to be lodged with the Collector of the Upper Canada College Fees, one month before the first day of examination.
5. The names of the successful candidates will be published, specifying the Schools at which they were educated.
6. The First Annual examination will be held on Monday, the 11th of January, 1842.
7. The number of Vacancies are Four,—tenable for three years,—to two, of which is attached exemption from College dues for tuition,—to one, in addition to the above, is attached the annual stipend of £10,—and to one exemption from College dues for both Board and Tuition.
8. The *Subjects of Examination* are *Greek*,—Valpy's *Delectus*—*Latin*,—Ovid's *Metamorphos*, Liber XIII, fable I.—certamen Ulyssis and Agacis. These are to be considered as text Books, on which questions in Grammar, Prosody, History, Geography, and Mythology, will be founded.

*Mathematics*,—Euclid's Elements, Book I—Algebra, to simple equations, and Arithmetic.

The following Resolution in regard to the Rules and Regulations for the District Grammar Schools were proposed and adopted :—

*Resolved*—That the Registrar be instructed to have the approved forms for Grammar Schools printed and transmitted, with as little delay as possible, to the Secretaries of the different Boards of District Grammar School Trustees; and, at the same time, to send copies of the advertisement relative to the Exhibitions founded in Upper Canada College to them also.

The Registrar was directed to use the following form of letter in transmitting the documents mentioned in the foregoing Resolution :—

"Sir,—I am directed by the Council of King's College to transmit to you, for the information and guidance of the District Board of Grammar School Trustees, the accompanying papers, and to acquaint you that the Council will sanction the appointment of an Assistant Master, as soon as the requisite recommendation in his behalf is forwarded to them.

"As the Council fears, that some delay, in strictly conforming to the accompanying regulations, may arise, from the want of the prescribed Text Books, they will not require a Quarterly Report, (according to the enclosed form), until the end of the third Quarter of this year, nor will the Council withhold the allowance to the Grammar School, if the Regulations are observed as far as practicable."

"On considering the number of Latin scholars that should be required in a District Grammar School, to entitle it to the allowance for an Assistant, the Council has decided that fifteen should be deemed sufficient."

A letter, was read, dated the 6th of March last, from Mr. R. J. Turner, proposing a settlement of his debt to the late Bursar Wells, by a transfer of property to the neighbourhood of Brantford, and requesting that the subject may be referred to the College Solicitor, to report what measures may be taken in the business. The letter was referred to the Solicitor of the College, with directions for him to confer with Lieutenant Colonel Wells, the late Bursar, and with Mr. Turner, and to report any plan for the accommodation of the parties which may secure to the College the payment of the full amount of Lieutenant Colonel Wells' debt to the University.

*April 28th, 1841.*—Meeting called, but there was no quorum ; three Members present.

*May 26th, 1841.*—Meeting called, but there was no quorum ; two Members present.

*June 30th, 1841.*—At this Meeting the Bursar submitted the following Statements of the unappropriated funds of King's College, and of the Grammar Schools :—

1. Statement of the unappropriated funds of King's College on the 30th of June, 1841..

Provincial Debentures held by the Council.....	£32,406	15	5
Stock of the Bank of Upper Canada, held by the Council.....	250	0	0
Stock of the Gore Bank, held by the Council. ....	187	10	0
Balance in the Bank of Upper Canada.....	1,507	16	0
Balance in the Bursar's hands.....	36	9	6 $\frac{1}{2}$
Interest Due on Debentures and on Bank Stock.....	132	11	7
	<u>£34,521</u>	<u>2</u>	<u>8<math>\frac{1}{2}</math></u>

2. Statement of the Grammar School funds held by the Council on the 30th of June, 1841 .

Capital invested in Provincial Debentures.....	£14,359	0	0
Interest invested in the same until required.....	1,000	0	0
Balance in the Bank of Upper Canada.....	73	16	1
	<u>£15,482</u>	<u>16</u>	<u>1</u>

BURSAR'S OFFICE,  
TORONTO, June, 1841.

H. BOYS,  
Bursar of King's College.

The Trustees of the Johnstown District Grammar School, having applied to the Council of King's College to recommend to them a Gentleman qualified for the office of Head Master to their District School in Brockville, the testimonials of the following gentlemen, transmitted to the Council, in compliance with an advertisement notifying the vacancy, were taken into consideration videlicet :—

Those of Messieurs Walter C. Crofton ; Edward Chapman ; Samuel Read ; William Williamson ; and Henry Hill, when choice was made of Mr. Chapman, to be recommended for the appointment in question. In addition to his other qualification, Mr. Chapman had taken a degree of Bachelor of Arts (B. A. of Caius College, Cambridge, 1836.

*July 28th 1841.*—Meeting called but there was no quorum ; two Members present.

*August 25th, 1841.*—At this Meeting the Bursar submitted the following financial Statements :—

1. Statement of the unappropriated funds of King's College, held by the Council on the 25th day of August, 1841.

Provincial Debentures.....	£33,806	15	5
Stock of the Bank of Upper Canada.....	250	0	0
Stock of the Gore Bank.....	187	10	0
Balance in the Bank of Upper Canada.....	106	14	4
Balance in the Bursar's hands.....	49	7	7 $\frac{1}{2}$
Interest due on Debentures and Bank Stock.....	234	0	0
	<u>£34,634</u>	<u>7</u>	<u>4<math>\frac{1}{2}</math></u>



## 2. Statement of the Grammar School funds held by the Council on the 25th of August, 1841.

Capital invested in Provincial Debentures.....	£14,359	0	0
Interest invested in Provincial Debentures until required.....	1,000	0	0
Balance in the Bank of Upper Canada.....	244	5	7
Interest due on Debentures.....	30	0	0
	<u>£15,633</u>	<u>5</u>	<u>7</u>

BURSAR'S OFFICE,  
TORONTO, August, 1841.

H. BOYS,  
Bursar of King's College.

NOTE—No business of special importance was transacted at this Meeting.

*September 29th, 1841.*—At this Meeting the Bursar submitted the following Statements of the unappropriated funds of the Corporation, and of the Grammar Schools.

## 1. Statement of the unappropriated funds of King's College, held by the Council on the 29th of September, 1841.

Provincial Debentures.....	£33,806	15	5
Stock of the Bank of Upper Canada.....	250	0	5
Stock of the Gore Bank.....	187	10	0
Balance in the Bank of Upper Canada.....	773	7	1
Balance in the Bursar's hands.....	79	5	8½
Interest due on Debentures and on Bank Stock.....	429	8	0
	<u>£35,576</u>	<u>6</u>	<u>2½</u>

## 2. Statement of the Grammar School funds, held by the Council on the 29th day of September, 1841.

Capital, in Provincial Debentures.....	£14,359	0	0
Interest invested in Provincial Debentures until required.....	1,000	0	0
Interest in Bank of Upper Canada.....	244	5	4
Interest due on Debentures.....	80	0	0
	<u>£15,683</u>	<u>5</u>	<u>4</u>

BURSAR'S OFFICE,  
TORONTO, September, 1841.

H. BOYS,  
Bursar of King's College.

The four Members present, (there being no quorum,) directed the Registrar to write to Mr. Thomas, Young, requiring of him to deposit in this Office the Drawings and Specifications, which he had prepared for the intended University of King's College, during the time he was receiving a salary as Architect to the University, and which, from his Letter of the 15th of July, 1839, the Council was led to expect he would have deposited within a short time from that date.

The four Members of the Council present, also directed the Registrar to apply to the Honourable Samuel B. Harrison, Provincial Secretary, West, for a copy of the Act lately passed by the Provincial Legislature, 4th and 5th Victoria Chapter XIX. intitled : "An Act to make Temporary Provision for the appropriation of the Funds derived from the sale of School Lands in that part of the Province formerly Upper Canada, and for other purposes."

NOTE—As no quorum was present at this meeting, no other business was transacted.

*October 2nd 1841.*—At the Meeting of the King's College Council held this day, it was

*Ordered,* That His Lordship, the Bishop of Toronto, the Principal of Upper Canada College, the Honourable William Allan and the Honourable Captain J. S. Macaulay, do form a Committee to carry into effect the arrangements proposed in regard to the indebtedness of the late Bursar Wells, in so far as they shall find the interest of the College served by an improvement of the security at present held by the Council; and with a view to the release of Colonel Wells from the positions of his debt to the College, which shall, or may, be secured by such new arrangements; It being understood that the time to be given for the payment of the said portions of the debt shall not exceed four years.

A letter was read from Mr. George A. Barber, dated the 29th of April last, praying to be relieved from the remainder of his debt to the College,—he having surrendered to the College the whole of his property.

It appearing to the Council that Mr. Barber, late Collector of the Upper Canada College, has surrendered all his available property, in liquidation of the deficiency in his accounts,—it is

*Ordered*, in pursuance of the understanding entertained by the Council at the time of the surrender, that he be discharged from further claim and liability.

A Memorial, dated the 14th instant, of Messieurs G. P. and J. D. Ridout, was read referring to their former Memorial, (read in Council on 30th of January last\*), and praying the favourable consideration of the Council the Council to their proposal.

The Council, considering the circumstances under which the Messieurs Ridout, in a very praiseworthy manner, offered to become bound for a deficiency of a Clerk in the College office, without any legal necessity to become so accountable, feel disposed to make the matter as easy as possible to them, consistently with the interests of the College; they, therefore, will assent to taking the land offered at its full value, which appears to be about Three Hundred and Twenty pounds, (£320) leaving the balance remaining due to be made up in land at the value, which the College would probably realize, upon a re-sale.

*October 27th, 1841.*—Meeting College, but there was no quorum; two Members present.

*November 3rd 1841.*—At a Meeting of the College Council held this day, the following Report of the Committee, appointed by the College Council to carry into effect certain arrangements proposed, in respect to the liabilities of the late Bursar, was laid before the Meeting:

The Committee, having taken into consideration the Report of the Solicitor on certain securities offered by Lieutenant Colonel Wells, the late Bursar, as part payment of the claim subsisting against him, recommend, that the following property and securities be taken in liquidation of the several sums herein specified.

Mortgage on the Humber Mills, formerly called Farr's Mills, with all the collateral securities offered by the Messieurs Wadsworth, in Mr. Clarke Gamble's Letter of the 28th July last. ....	£2,400	0	0
The absolute assignment of Mr. Thornhill's property. ....	342	8	6
The absolute assignment of Lot Number Eight, in the Tenth Concession of the Township of King. ....	125	0	0
The absolute assignment of East $\frac{1}{2}$ of Lot Number Seven, Ninth Concession of the Township of West Gwillimbury. ....	75	0	0
Stock of the Bank of Upper Canada. ....	250	0	0
	<u>£3,192</u>	<u>8</u>	<u>6</u>

and that credit be given to Colonel Wells for the sums specified, as soon as the transfer of these properties to the College is completed.

The other Securities reported on by the Solicitor are not of that character which would, in the opinion of the Committee, warrant their acceptance by the Council.—Some of those securities being already in the hands of the Sheriff for the Home District, and advertised to be sold by him on the 20th instant,—a fact not noted by the Solicitor in his Report.

*November 17th, 1841.*—The three Members present, (there being no quorum), directed the Registrar to write to the Honourable Samuel B. Harrison, in reference to the Act of the last Session of the Provincial Parliament, 4th and 5th Victoria, Chapter XIX, being “an Act to make temporary provision for the appropriation of the Funds derived from the sales of School Lands in that part of the Province, formerly called Upper Canada, and for other purposes;”—and requesting his attention to the second Proviso in the last clause, (or Section VIII,) of that Act, which appears to have been framed in error;† as it pre-supposes that the School Lands have hitherto been under the management of the College Council, which was never the case;—and requesting that he will take His Excellency's opinion, whether, under the circumstances, the Council of King's College should assume the management of these Lands.

*November 24th, 1841.*—Meeting called, but there was no quorum; and no Member was present.

\*See page 62 of this Volume, *ante*.

†This Second provision of the Act cited is as follows: “The management and sale of said School Lands shall continue to be conducted by the said Council of King's College, until further provision shall be made in that behalf, at any future session of the Legislature.”

*December 31st, 1841.*—At this Meeting, the Bursar submitted the following Statements :

1. Statement of the unappropriated funds of King's College held by the Council on the 31st of December, 1841.

Provincial, Debentures.....	£35,744	5	5
Stock of the Bank of Upper Canada.....	250	0	0
Stock of the Gore Bank.....	187	10	0
Balance in the Bank of Upper Canada.....	1,470	1	9
Balance in the Bursar's hands.....	20	11	1
Interest due on Debentures.....	309	1	6
	<u>£37,981</u>	<u>9</u>	<u>9</u>

2. Statement of the Grammar School Funds, held by the Council of King's College on the 31st December, 1841.

Capital in Provincial Debentures.....	£14,359	0	0
Interest invested in Provincial Debentures till required.....	1,000	0	0
Interest deposited in Bank of Upper Canada.....	439	16	0
Interest due on Debentures.....	220	0	0
	<u>£16,016</u>	<u>16</u>	<u>0</u>

BURSAR'S OFFICE,  
TORONTO, December, 1841.

H. BOYS,  
Bursar of King's College.

## CHAPTER V.

### THE ROYAL CHARTER OF QUEEN'S COLLEGE, KINGSTON, 1841.

In Chapter XVI of the Third Volume of this Documentary History,—pages 284-289,—I have given as full particulars, in regard to the founding of Queen's College Kingston, as I was then able to obtain: (1) from the Blue Books of the Imperial Parliament; (2) from Letters of reply, which were written to me by the Reverend Doctor George Bell, Registrar of Queen's University; and (3) from the "Jubilee Number" of the *Queen's College Journal* of January, 1890.

In addition to this information, the following, taken from the "Life and Times of the Reverend Robert Burns, D.D.,"—formerly Minister of Knox Church, Toronto,—written by his Son, the Reverend Robert F. Burns, D.D., will prove interesting, especially as Doctor Burns, senior, had more or less to do with the founding, and with the after history of, Queen's College. He is referred to as assisting Doctor MacFarlan, Principal of the Glasgow College, in the negotiations with the Colonial Secretary on the subject of a Royal Charter for the College. (See page —, *post*.) In the "Life and Times" of Doctor Burns, his Biographer says:—

The first published suggestion of a Presbyterian College for Canada, that we can discover, is in the Third Annual Report of the Glasgow Colonial Society, drawn up by Doctor Burns, and presented by him at the Anniversary of that Society, held on the 22nd of April, 1829,—twelve



years prior to the passage of the Royal Charter which formally ushered it into existence, and three years prior to the first movement of the Canadian Church.\* In his Report of the following year, (27th of April, 1830,) Doctor Burns returns to the subject thus :—

“The Colonies seem particularly to stand in need of institutions sacred to the great business of the general and theological education of young men, natives of the Colonies themselves, who might be thus trained up from time to time for the service of the Sanctuary.”

The first Synod of Canada, held in 1831, seems to have passed without any allusion to the matter. (NOTE.—This is an error. See page —.)

At the second Synod, held in Kingston, commencing on the 2nd, and closing on the 4th, of August, 1832, the subject of Theological Education was introduced by the Reverend Mr. Rintoul. This Synod was presided over by the Reverend Doctor Mathison, of Montreal, and was attended by twelve Ministers and three Elders.

In 1839, [1840] a Bill was obtained from the Local Legislature to establish a College in connection with the Church of Scotland, under the title of “St. Andrew’s College of Canada.” It vested in the Reverend Messieurs W. Rintoul, A. Gale, W. T. Leach, R. McGill, J. Cruickshank, H. Urquhart, and twelve lay Members of the Church, the right of holding “Lot Number 32, in the 3rd Concession South of Dundas Street, in the Township of Trafalgar,”—purchased with £500 sterling, placed at the disposal of the Presbytery of Toronto, for the establishment of a College, by Sir William Seton, of Pitmedden, Baronet; and 200 acres of land, being Lot Number 4, in the 5th Concession of the Township of Nissouri,” donated for the same purpose by the Honourable William Morris. The name was changed to “The University at Kingston;” altered still further to “Queen’s College at King-ton,” when, on the 16th October, 1841, a Royal Charter took the place of the Provincial Act.

With the establishment of this Institution, Doctor Burns had much to do, and to the formation of its Library, he gave very freely from his own.

He had copious correspondence on the subject with the Honourable William Morris, Alexander Gillespie, Esquire, and the Reverend Messieurs Rintoul, McGill, Machar and others.

When, in 1840, the Reverend Doctor Cook and Mr. Rintoul went home, as a Deputation in its behalf, Doctor Burns rendered them most efficient aid. (“*Life and Times of the Reverend Robert Burns, D.D.*,” (1871) pages 165-167.)

A reference was also made, on pages 292, 3, of Chapter XVI. of the Third Volume of this History, to the disallowance of the Queen’s College, (“University of Kingston,”) Incorporation Act, (3rd Victoria, Chapter 35; pages 235-238), and the granting of a Royal Charter to that College, on the 16th of October, 1841.

#### CORRESPONDENCE WITH THE IMPERIAL AND COLONIAL GOVERNMENTS IN REGARD TO THE ROYAL CHARTER OF QUEEN’S COLLEGE.

Since the foregoing reference was made to these particulars, in the history of Queen’s College University, Mr. John B. McIver, Treasurer of the University has, as requested, furnished me with copies of such Correspondence on the subject, as are embodied in the Records of the Board of Trustees of the University for 1840-41.

This Correspondence—interesting in many respects—took place between Representatives of the then projected College—chiefly the Honourable William Morris of Brockville, and Mr. Alexander Gillespie, junior, Agent of the College Board in London,—and the Colonial and Imperial Governments, as represented by Sir George Arthur, Lord Sydenham and Lord John Russell.

\* The particulars of this “Movement” are given on page 284 of the Third Volume of this Documentary History. See also pages 13, 14 of the Second Volume of this History.

One portion, and not the least interesting, of this Correspondence, is devoted to the then long pen-ling and vexed question of the appointment of a Theological Professor of the Church of Scotland in King's College University, or, failing such appointment, the granting, as an equivalent, of One Thousand pounds, (£1,000.) per annum, out of the revenues of King's College, to the Trustees of Queen's College, towards the expenses of such a Professorship in that College.

On the 22nd of January, 1840, the Honourable William Morris addressed the following letter to Mr. T. W. C. Murdoch, Chief Secretary to Lord Sydenham, Governor General, enclosing an Address to Her Majesty the Queen, in which the Trustees solicited permission to name the proposed Institution, "Queen's College:"—

The Trustees of the intended University at Kingston, feeling anxious to be permitted to assume the title of "Queen's College," according to their former arrangement for that purpose, have prepared an Address to Her Majesty, soliciting permission to give that name to their Institution; and I am instructed to hand the Address to His Excellency the Governor General, and to request that His Excellency may be pleased to transmit it to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

It will be highly gratifying to the Trustees if His Excellency may see fit to recommend this University to Her Majesty's special protection.

W. MORRIS,  
Chairman of the Board of Trustees.

TORONTO, 22nd of January, 1840.

#### TO THE QUEEN MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We Your Majesty's most dutiful and loyal Subjects, Trustees of a College, or University, about to be established at Kingston, in the Province of Upper Canada, in connection with the Church of Scotland:

Most Humbly and Respectfully inform Your Majesty, that it is the anxious desire of the Scottish Inhabitants of Upper and Lower Canada, to manifest their devoted attachment to Your Majesty's Royal Person and House by handing down to posterity Your Majesty's Royal title as the name of this infant Institution, which Your Majesty's Petitioners most ardently trust may be the means, under the blessing of Divine Providence, of conferring a liberal education on the Canadian youth of the present and future generations.

We would further inform Your Majesty, that the importance of founding a University in Upper Canada for the Education of Youth in the principles of the Christian Religion, and also for the instruction of Students in Divinity, will be apparent to Your Majesty, when we mention that the application of late years to our National Church for Ministers of the Gospel have, for the most part, been unsuccessful, and, in consequence, multitudes of Emigrants, who are scattered over these Provinces, are wholly destitute of Religious Ordinances according to the Faith and Worship of their Fathers.

For these reasons, we humbly beseech Your Majesty to take the proposed College under your Royal Protection, and confer upon it the name of "Queen's College"; and, if, in addition to this Mark of Your Majesty's Royal Favour, Your Majesty would be graciously pleased to add to the advantage of a Provincial Act of Incorporation, which has recently passed, the far greater importance of a Royal Charter, the future usefulness of the Institution would thereby be greatly promoted.

That Your Majesty may long Reign in the affections of a Loyal and Happy People, and be ever eminent in promoting Useful and Religious Knowledge is,—

May it please Your Majesty,—the fervent prayer of

Your Majesty's Faithful and loving Subjects:

WILLIAM MORRIS, Member of the Legislative Council of Upper Canada.  
JOHN HAMILTON, Member of the Legislative Council of Upper Canada.  
JAMES CROOKS, Member of the Legislative Council of Upper Canada.  
EDWARD W. THOMSON, Member of the House of Assembly of Upper Canada.  
ARCHIBALD MCLEAN, one of the Judges of the Court of King's Bench Canada.  
WILLIAM TURNBULL LEACH, A.M., Minister of St. Andrew's Church, Toronto.  
JAMES MORRIS, Member of the House of Assembly of Upper Canada.  
THOMAS MCKAY, Member of the House of Assembly of Upper Canada.

TORONTO, January, 1840.

On the 7th of February, 1840, Mr. T. W. C. Murdoch, Chief Secretary to the Governor-General, informed Mr. Morris that the Address to the Queen had been transmitted to the Colonial Secretary. He said :

I am commanded by the Governor General to inform you that, on the 22nd ultimo, he transmitted to the Secretary of State for the Colonies, in order that it might be laid at the foot of the Throne, the Address from the Trustees of the University, about to be established at Kingston, praying that they may be allowed to adopt the title of "Queen's College", and that they may receive a Royal Charter. His Excellency desires me to state, that, in forwarding this Address, he had much satisfaction in recommending it to the favourable consideration of Her Majesty's Government.

T. W. C. MURDOCH.

TORONTO, 7th of February, 1840.

On the 16th of March, 1840, the Reverend Doctor MacFarlan, Principal of the Glasgow College, enclosed to the Colonial Secretary, a duplicate copy of the Address of the Trustees of Queen's College to Her Majesty. Mr. R. Vernon Smith, one of the Under Secretaries of State, acknowledged Doctor MacFarlan's Letter as follows :

I am directed by Lord John Russell to acknowledge the receipt of your Letter of the 16th ultimo.

His Lordship has already received, through the Governor General of Canada the original Address to Her Majesty, (of which you enclose the Duplicate), from the Trustees of the University about to be established at Kingston, Upper Canada, in connection with the Church of Scotland, in which they pray that they may be permitted to give the Institution the title of "Queen's College", and that a Royal Charter may be granted to them.

His Lordship having laid that Address at the foot of the Throne, Her Majesty has been graciously pleased to comply with the prayer of the Petitioners.

The Governor General has, therefore, been instructed to apply to them for a Draft of the proposed Charter, and to require them to nominate some person in this Country, who, as their Agent, may be authorized to assent to, or dissent from, any modification for which it may be judged fit to stipulate on behalf of the Crown, and to defray the expense attending the issue of such a Charter under the Great Seal. To avoid, as much as possible, the necessity for any alterations, after the Draft has reached this Country, Lord John Russell has required that it should, in the first instance, be submitted to the Governor-General for his revision.

R. VERNON SMITH.

DOWNING STREET, LONDON, 2nd of April, 1840.

On the 12th of April, 1840, the Reverend Doctor MacFarlan, Principal of Glasgow College, addressed the following note to [the Honourable William Morris] :

After consulting with Doctor Burns,\* I lost no time in forwarding the Memorial of the Trustees of the College at Kingston, accompanying your Letter, received on the 14th of March, to Lord John Russell, and now enclose copy of the Return which I have received from the Home Office. It will probably have reached you before this Communication can arrive, but, in order to secure against accident or delay, I think it right to transmit it by the first opportunity.

D. MACFARLAN.

COLLEGE, GLASGOW, 13th of April, 1840.

NOTE.—No copy of the Return mentioned in this Note is entered in the Records of the Board of Trustees of Queen's College, Kingston.

After a conversation with the Governor General, the Honourable William Morris addressed the following Letter to his Aide-de-Camp, Captain Campbell :

When I last had the honour of conversing with His Excellency the Governor-General, he mentioned to me that the Draft of the Royal Charter, which was desired for the College at

\* See reference to Doctor Burns on page 73 of this Chapter, *ante*.



Kingston, should be put into the hands of an Agent in London, in order that Her Majesty's Government might know precisely what we wanted, and I informed His Excellency that I would correspond with the Reverend Mr. McGill on the subject.

I was much occupied for some time after my return from Toronto, and was not able to throw into shape what I suppose will answer the purpose. Having at length accomplished this, and having submitted the Draft of a Charter, a copy of which is herewith enclosed to Mr. McGill, I have received a Letter from him, expressive of his approbation of it.

My object in putting a copy under cover to you is to request that you will have the goodness to submit it for His Excellency's consideration, and, should it meet with his approval, I shall lose no time in transmitting it to an Agent in London. The greater part of the Document is copied from the Charter of King's College.

W. MORRIS.

PERTH, 20th of April, 1840.

To this Letter, Captain Campbell replied on the 24th of April, as follows ;

I received your Letter of the 20th, this morning, and having laid before His Excellency, agreeable to your request, the copy of the proposed Charter for "Queen's College", he has directed me to say that he cannot give a decided opinion on it, but he is inclined to think an objection will be raised to the amount of the yearly value of Lands to be held by the College. And above all, to the granting to it, all the powers, privileges, etcetera, enjoyed by Universities in Scotland : he considers that the powers, etcetera, given to it by the Act of Incorporation, passed in the Provincial Parliament last Session, should be sufficient.

I. EDMOND CAMPBELL.

MONTREAL, 24th of April, 1840.

On the 30th of April, 1840, the Honourable William Morris replied to Captain Campbell's Letter as follows :

I have to acknowledge the receipt of your favour of the 25th instant, and I notice the doubts which His Excellency was pleased to express with regard to two paragraphs in the Draft of the College Charter. They are precisely such as exist in the Charter of King's College ; and my only object for inserting them in the Draft, (a copy of which I sent you,) was that the College at Kingston might, in order to become useful, be regarded by the public as possessing that countenance and approbation, from Her Majesty's Government, with which the sister Institution at Toronto has been favoured.

I send you by this Mail a copy of the Charter of King's College, to save you the trouble of looking it up, and I may mention that the clause in it marked A, I have expunged from my Draft. Indeed, it need not have been in it, for a provision to the same effect is contained in the Act of Incorporation. And the clause marked B, I have altered it by effacing all the words from "and" to "patent", which will correspond with the other paragraph in the Draft, so that the two points upon which His Excellency entertained doubts are removed ; and, unless I hear further from you on the subject, in the course of eight or ten days, I shall feel at liberty to transmit the altered Draft to an Agent in London.

W. MORRIS.

PERTH, 30th of April, 1840.

The Governor General, having received a Despatch from Lord John Russell, Secretary of State for the Colonies, in response to his of the 22nd of January, 1840, transmitting the Address of the Board of Trustees of Queen's College to the Queen, Mr. T. W. C. Murdoch, Chief Secretary, addressed the following Letter to the Honourable William Morris on the 11th of May, 1840 :—

With reference to the Address to the Queen, on the subject of the University about to be established at Kingston, which was forwarded by you to the Governor General in the Month of January last, I am commanded by the Governor General to transmit to you herewith the copy of a Despatch from the Secretary of State for the Colonies, stating that Her Majesty has been graciously pleased to comply with the prayer of that Address, that the Institution may receive the title of "Queen's College", and that a Royal Charter may be granted to it.

You will observe that the Lord John Russell, desires that the Draft of the Charter, which the Trustees of the University are anxious to obtain, should be submitted to the Governor General before it is sent home ; and, as it would greatly facilitate the arrangement of that Draft, that His Excellency should have an opportunity of personally conferring with some Gentlemen intimately acquainted with the subject, and authorized to agree to such alterations as might be necessary, His Excellency desires me to say that it would give him much satisfaction to receive you at Montreal with the Draft of the Charter, if it should be in your power to come.

T. W. C. MURDOCH.

MONTREAL, 11th of May, 1840.

*(Enclosure in the foregoing Communication.)*

The following is a copy of the Despatch to the Governor General from Lord John Russell, dated the 31st of March, 1840, and enclosed in his Letter to Mr. Morris, by Mr. Murdoch, Chief Secretary :—

I have to acknowledge the receipt of your Despatch, (Number 29), of the 20th of January, 1840, transmitting an Address to Her Majesty from the Trustees of a University about to be established at Kingston, Upper Canada, in connection with the Church of Scotland, in which they pray that they may be permitted to give the Institution the title of “Queen’s College”, and that a Royal Charter may be granted to them.

Having laid this Address at the foot of the Throne, I am commanded by the Queen to instruct you to acquaint the Petitioners that Her Majesty has been graciously pleased to comply with the prayer of their Address.

You will, therefore, call on them to furnish the Draft of such a Charter as they are desirous of receiving, and it will be further necessary that they should nominate some person in this Country, who, as their Agent, may be authorized to assent to, or dissent from, any modification of the terms of that Draft, for which, on behalf of the Crown, it may be thought fit to stipulate, and to defray the expense incidental to the issuing of such a Charter under the Great Seal.

I likewise consider it convenient, in order to avoid as much as possible, the necessity for introducing any alterations in the Draft after it may have reached this Country, or the delay of referring it back to the Colony, that it should be submitted to you in the first instance, that you may have the opportunity of suggesting any amendments which may appear to you to be required.

J. RUSSELL.

DOWNING STREET, LONDON, 31st of March, 1840.

On the receipt of this Letter from Mr. Murdoch, a Meeting of the Board of Trustees of Queen’s College was called, for the purpose of appointing an Agent of the Trustees and College in London, who would be authorized to confer with the Imperial Government on the subject of the Royal Charter for the College, and for which the Trustees had petitioned Her Majesty in January last. (See page 75.) At a Meeting of the Trustees, held on the 21st of May, 1840, the following Resolutions were adopted :

1. *Resolved*, That Alexander Gillespie, junior, Esquire, of London be appointed Agent, to negotiate with Her Majesty’s Government for a Royal Charter, in terms of the Draft, and to correspond with Principal MacFarlan on the subject, should he find it necessary, and also to draw on the Treasurer of the Board of Trustees for funds for defraying the expense incurred on this account.

2. *Resolved*, That the Honourable William Morris, Chairman, be instructed to answer the Letter of Mr. T. W. C. Murdoch, Chief Secretary to the Governor General, of the 11th instant, informing him that the Trustees have agreed to the Draft of a Royal Charter, and have authorized and instructed the Reverend Doctor Cook to wait on His Excellency, the Governor General, at Montreal, to confer with His Excellency on the terms of the said Draft, and also inform him that the Board have appointed Alexander Gillespie, junior, Esquire, of London, their Agent, to wait on Her Majesty’s Government with a copy of the said Draft, and to agree to such alterations therein as may not be inconsistent with the principles of the Act of Incorporation, (3rd Victoria, Chapter 35), and to defray the expenses of the Charter.

In terms of this last Resolution, the Honourable William Morris, Chairman of the Board of Trustees, addressed the following Letter to Mr. Murdoch, Chief Secretary to the Governor General, on the 15th of July, 1840.

I have the honour to hand you herewith the Draft of a Royal Charter, which the Trustees of Queen's College, at Kingston, desire to obtain from Her Majesty for that Institution ; and I have to request, that you will lay it before His Excellency, the Governor General, with the expression of an earnest hope, on the part of the Trustees, that His Excellency may be pleased to transmit the Draft to Her Majesty's Principal Secretary of State for the Colonies, accompanied by His Excellency's recommendation.

I am also to inform His Excellency that the Trustees have appointed Alexander Gillespie, junior, Esquire, of London, as their Agent, to negotiate with Her Majesty's Government respecting the Charter, to whom I have this day transmitted a copy of the Draft Charter.

W. MORRIS.

PERTH, 18th of July, 1840.

NOTE.—Various other Letters were written by the parties concerned during the Summer of 1840, in connection with the subject of the Charter of Queen's College ; but, as they relate to the question of the establishment of a Church of Scotland Professorship of Theology in King's College, Toronto, they will be inserted together and consecutively in a separate Chapter.

On the 7th of December, 1840, the Honourable William Morris, Chairman of the Board of Trustees, wrote a letter to the Honourable Samuel B. Harrison, Provincial Secretary, West, enclosing a copy a Communication from the Colonial Office to Mr. Alexander Gillespie, junior, Agent in London of the Board of Trustees—no copy of which is available,—The Provincial Secretary, under date of the 12th of December, 1840, acknowledged the receipt of this Letter as follows:—

I have the honour to acknowledge the receipt of your Letter of 7th instant, enclosing a copy of a Letter from one of the under Secretaries of State to Alexander Gillespie, Esquire, on the subject of the Provincial Act, (3rd Victoria, Chapter 35,) incorporating "Queen's College," which I have laid before the Lieutenant Governor, and for which I am commanded to convey to you the expression of His Excellency's thanks. I am, at the same time, to acquaint you that His Excellency had previously received a Despatch on the same subject from the Governor General,—extracts of which and its enclosures, I, by His Excellency's desire, transmitted, on the 7th instant, to the Reverend Hugh Urquhart, for the information of the Presbyterian Synod of Canada, and to the Reverend Mr. McGill, for the information of the Trustees and others interested in Queen's College. I have, however, now great pleasure in transmitting a copy of that extract and enclosures to yourself.

S. B. HARRISON.

TORONTO, 12th of December, 1840.

*(Enclosures in the Letter of the Provincial Secretary, West.)*

1. Extract from a Despatch from the Governor General to Sir George Arthur, the Lieutenant Governor, dated the 27th of November, 1840:—

Upon the subject of Queen's College, I have received from Lord John Russell a Despatch, of which I lose no time in forwarding you a copy, as well as the Opinion of the Law Officers of the Crown in England, Your Excellency will perceive that, acting on the Opinion of the Law Officers, and, with a view to meet the wishes of the subscribers to the University, the Secretary of State for the Colonies has determined on disallowing the Act of the Provincial Legislature of last Session, (3rd Victoria, Chapter 35,) and on conferring a Royal Charter on the University, which is now in course of preparation, in communication with their Agent, Mr. Gillespie ;—and further, that, if the pecuniary concerns of the Establishment require any Legislative provision, that will have to be effected hereafter by a fresh Act of the Canadian Legislature. This will render any arrangement, with respect to the allotment of Funds from King's College, unnecessary at present, and the matter will remain open for discussion, whenever any Legislative provision of the kind shall be applied for.



2. Extract from a Despatch from Lord John Russell, Colonial Secretary, to the Governor General, dated the 4th of November, 1840,—alluded to in the Governor General's foregoing Despatch to the Lieutenant Governor, of the 27th of November, 1840:—

I have received a Report from Her Majesty's Attorney and Solicitor General on the Draft Charter prepared by the Trustees of the University at Kingston, which accompanied your Despatch of the 13th of August last.

I enclose for your information a copy of that Report.

You will perceive that those Officers are of opinion that a Charter cannot be granted, and that an improper course has been pursued in founding the College. As you appear to be anxious that a Royal Charter should be granted to this Institution, I have determined to follow the course suggested by them as the only mode in which the wishes of the Trustees could be effected. The Provincial Act will accordingly be disallowed, and a fresh Charter will be prepared.

In framing it, I have directed Mr. Gillespie, the Agent of the Trustees, to adhere as closely as possible to the terms of the Draft approved by you, as well as to those of the Provincial Act, omitting, however, the provisions for the endowment, out of Public Funds, of a Theological Professorship.

Any Legislative enactment which may be required respecting the Funds of the University may follow upon the issue of the Charter.

3. Copy of the Opinion of the Law Officers of the Crown, alluded to in the foregoing extract from Lord John Russell's Despatch to the Governor General, of the 4th of November, 1840.

We have the honour to acknowledge the receipt of Mr. Stephen's Letter of 12th ultimo, transmitting to us, by your Lordship's directions, copies of a Correspondence between your Lordship and the Governor General of British North America, respecting a Charter which the Trustees of Queen's College, at Kingston, Upper Canada, are anxious to obtain for that Institution, together with a Draft of a proposed Charter, and requiring that we would revise it, and report to your Lordship our opinion on the subject.

Having considered these documents, together with the Act of the Legislature of Upper Canada, (3rd Victoria, Chapter 35), referred to in the Draft Charter, and intitled: "An Act to Establish a College by the name and style of the University of Kingston," we have the honour to report to your Lordship, that, in our humble opinion, the proposed Charter cannot be granted, and that an improper course has been pursued in founding this Institution.

It belongs to the Crown, by its Prerogative, to incorporate, and establish, an University. There ought to have been a Charter from the Crown in the first instance, instead of an Act of the Provincial Legislature. But the Act of the Legislature, which has been obtained, is not only objectionable in point of precedent, but it actually disables the Crown from doing by Charter what is now solicited by the Trustees. The Act, having received the Royal Assent, has the force of Law in Upper Canada, and is binding on the Crown.

The Act begins by enacting that the Institution shall be called "The University of Kingston," and the Charter proposes that it shall be called "Queen's College at Kingston." The only mode in which the object of the parties can be obtained seems to us to be to disallow the Act, and to grant a new Charter, framed as was the original Act of Incorporation, and the foundation of the Institution.

If any Legislative Enactment respecting the funds of the University should be necessary, this may follow upon the issue of the Charter. The Act already passed may, in point of Law, be confirmed by Her Majesty, but the proposed Charter cannot be superinduced upon it.

TEMPLE CHAMBERS, 20th of October, 1840.

J. CAMPBELL,  
THOS. WILDE.

In addition to his Communication to the Honourable William Morris, Chairman of the Board of Trustees, on the 8th of December, 1840, Mr. T. W. C. Murdoch, Chief Secretary to the Governor General, addressed the following Letter to Mr. Morris, dated the 3rd of February, 1841:—

With reference to my Letter of the 8th December last, I am commanded by the Governor General to transmit to you herewith the copy of a further Despatch, which he has received from

the Colonial Secretary, Lord John Russell, on the subject of the Charter and the Provincial Act of Incorporation of Queen's College, (3rd Victoria, Chapter XXXV.)

MONTREAL, 3rd of February, 1841..

T. W. C. MURDOCH.

*(Enclosure of Despatch in Mr. Murdoch's Letter of the 3rd of February, 1841.)*

On the 12th of October last, I explained to you at length the objections which were entertained to the Act passed by the Legislature of Upper Canada, for the establishment of a Presbyterian University at Kingston; and, on the 4th of November, I had occasion to inform you that, on account of the informality pointed out by the Law Officers of the Crown, in regard to the foundation of the Institution, the Act in question would be disallowed. Since writing the last of these Despatches, I have had a personal interview with the Reverend Doctor Cook and Mr. Rintoul on this subject; and, at their solicitation, I have determined to postpone recommending the Queen in Council to disallow the Provincial Act until the Royal Charter shall have been issued. After the grant of the Charter, it will be competent to the Provincial Legislature to pass any fresh Act which may be necessary.

I see no objection to the establishment of a Theological Professorship for the University, provided that no portion of the funds of King's College be diverted to that object.

DOWNING STREET, LONDON, 8th of December, 1840.

J. RUSSELL.

After a long delay in the proceedings for granting the Charter of Queen's College, Mr. R. Vernon Smith, one of the Under Secretaries of State for the Colonies, made the following explanation of this delay, in a Letter addressed to Mr. Alexander Gillespie, junior, Agent in London for the Board of Trustees, dated the 19th of August, 1841:—

As it may be convenient to you to be made acquainted with the circumstances which have caused delay in issuing Letters Patent for the Incorporation of Queen's College, Kingston, I have received directions from Lord John Russell to inform you, that, immediately after receipt at this Office, of the Draft Charter from Lord Sydenham, and of the Draft which was prepared in this Country, under your direction, these Documents were referred to the Law Officers of the Crown for their consideration and report. Since that period, repeated applications have been addressed to these Officers for their Report, but hitherto without success; Lord John Russell has however again written to the Attorney General, and he trusts that no further delay will ensue.

His Lordship desires me to state, that he was unable to regard as sufficient the Report which the Law Officers made to the Lords of the Committee of the Privy Council upon the Draft Charter, which you had transmitted to them, as, from the terms of their Opinion, it did not appear that they had taken into consideration the Draft which was sent home by Lord Sydenham, or that they were satisfied of the substantial coincidence of the two Documents.

I have to add my suggestion, that this discussion might be brought to a more speedy termination, if you could make it convenient to confer with the Attorney General on the subject.

DOWNING STREET, LONDON, 19th of August, 1841.

R. VERNON SMITH.

On receipt of this Communication from Mr. R. Vernon Smith, Mr. Gillespie, the Agent of the College in London, prepared a Memorandum on the subject of the Charter for the Colonial Office, and enclosed it, with the following Letter, to the Honourable William Morris, Chairman of the Board of Trustees. He said:—

I wrote you a few lines on 3rd of August, and it was my purpose to have again addressed you by the following Packet, but I did not see Mr. Vernon Smith until the 12th of that month, and I did not receive the communication he promised me until the 20th of August. At my interview, I strongly represented the inconvenience and disappointment that had been experienced from the Charter not having been granted, and demanded, either that it should be forthwith completed, or that I should be made acquainted explicitly with the objection which had been taken to it on behalf of himself and Lord John Russell. He expressed much regret at the delay, which he attributed entirely to the Law Officers of the Crown, and promised a compliance with the latter part of my request. Accordingly, he addressed to me the Letter of 19th August, of which I enclose a copy, (see this page, above,) and from which I learned with surprise that no new objections had been raised at all, as we had been given to understand had been the case at the Privy Council Office. On receipt of this Letter, however, I lost not an hour in applying to the Attorney General, but failing to procure an interview with him, I addressed a Memorandum to Mr. Smith, of which I enclose a copy herewith. (See next page.)

You will observe that, in Mr. Smith's Letter of the 19th of August, there is apparently a contradiction, as, at the first instance, you would suppose that there had been no Report at all from the Law Officers of the Crown upon the Draft submitted by me; while it is afterwards stated that Lord John Russell was unable to regard as sufficient the Report which had been made, but of this I took no notice,—my only object being to have their Report regarded as sufficient. Mr. Vernon Smith promptly acknowledged this Memorandum, requesting me to send to the Colonial Office the Draft of the Charter which had been returned to me by the Law Officers of the Crown, and which was done accordingly. This was on Saturday, the 28th of August, when it was quite certain that the Ministry were about to quit office immediately.

On Monday I had an interview with Lord John Russell, at his own House, when I stated my anxiety,—as the Charter could not now pass the Great Seal before he quitted office,—that he would put the matter in such a shape as to prevent its being reopened. His Lordship again expressed regret at the delay, and promised to see what he could do for me. From his Lordship's I went to the Colonial Office, and there found that, in consequence of the renewed applications to the Attorney General, the Draft Charter had been returned on Saturday evening with a further and more elaborate Opinion, approving of the same; this I begged might be brought under Lord John Russell's notice; and, on going back, on the 1st instant, I found that his Lordship had been as good as his word, having left a Memorandum on the subject, with the precise terms of which I am not acquainted, but which I understand to be to the effect that the Charter should now issue.

You will learn that to-day the Melbourne Ministry go out of office, and that Lord Stanley succeeds Lord John Russell at the Colonial Office, and, as soon as he is fairly installed, I shall address him for an interview on the subject, and I do not now apprehend any further serious difficulty or delay.

LONDON, 3rd September, 1841.

ALEXANDER GILLESPIE, Junior.

*Enclosure : In the matter of the Charter of Queen's College, Kingston.*

Memorandum, dated the 19th of August, 1841, and sent to the Colonial Office, by Mr. Alexander Gillespie, Agent in London of the Trustees of Queen's College,

Mr. Vernon Smith's letter to Mr. Gillespie states, that Lord John Russell was unable to regard as sufficient the Report which the Law Officers of the Crown made to the Lords of the Committee of the Privy Council upon the Draft Charter, which Mr. Gillespie had submitted to them, as, from the terms of their Opinion, it did not appear that they had taken into consideration the Draft sent home by Lord Sydenham, the Governor General, or were satisfied of the substantial coincidence of the two Documents. There seems reason to think that Lord John Russell's apprehension, above expressed, is unfounded, and that this will appear from the following detail of circumstances, videlicet :—

Mr. Vernon Smith's letter of the 4th of November last, (1840,) stated that the Draft Charter sent home from Canada having been submitted to the Attorney and Solicitor General, they had reported their Opinion, that it could not be granted,—an improper course having been pursued in the first instance, and that the only mode in which the object could be obtained was to disallow the Act of the Local Legislature, and to grant a new Charter, framed as was the original Incorporation Act of the Institution, and that Lord John Russell was prepared to adopt that advice, and to submit for Her Majesty's approval the Draft of a Charter prepared here, and transmitted to His Lordship for that purpose; and Mr. Smith, in his Letter of the 19th of August, instant, further suggested that the Draft which had been sent home, as well as the Act of the Canadian Legislature, having been approved by the Governor General, it was desirable, with the view to avoid the delay of another reference to Canada, that the terms of the new Draft Charter should agree as much as possible with those of the former Instruments, omitting, however the passages relative to the proposed Endowment from the Public funds, of the Theological Professorship.—[i. e., the fifteenth, or last Section, of the Queen's College Incorporation Act, 3rd Victoria, Chapter 35; pages 235-238 of the Third Volume of this Documentary History.]

This letter of Mr. Smith's was immediately and strictly acted upon, by preparing the new Draft Charter, agreeably to his suggestions, and with marginal notes, calling attention to any formal alterations which it might be thought necessary to make, with a view to greater technical accuracy; and it was afterwards signed, as approved, by the Attorney and Solicitor General, with the following Note appended to it, which appears to shew that they had attended both to the Draft Charter and the Act of the Provincial Legislature. — the note being as follows :

“The Act having been been disallowed, the College will now be constitutionally created by the prerogative of the Crown.”

“J. C. (John Campbell, Attorney General.)  
“T. W.” (Thomas Wilde, Solicitor General.)



These circumstances induce a belief in the mind of Mr. Gillespie that Lord John Russell is under a misapprehension, in thinking that the Attorney and Solicitor General, had not taken into consideration the Draft sent home by Lord Sydenham, or been satisfied with the substantial coincidence of the two Documents.

It appears from the foregoing detail, that their particular attention had been called, both to the Draft Charter sent home, and to the Act of the Local Legislature, and that the new Draft had been framed agreeably thereto, omitting those passages which had been thought exceptionable. As it is found impossible at present, after repeated applications, to obtain an interview with the Attorney General, it is hoped that Mr. Vernon Smith may be able so to represent the matter to Lord John Russell, so that the Charter may at once go forward.

All which is respectfully submitted.

ALEXANDER GILLESPIE, Junior,  
Agent for the Trustees.

LONDON, 19th of August, 1841.

Mr. Gillespie having had a satisfactory interview, (in regard to the Charter,) with Lord Stanley, the new Secretary of State for the Colonies, wrote the following Letter, to the Honourable William Morris, Chairman of the Board of Trustees of Queen's College on the subject :

I refer to my Communication by last Steamer respecting the College Charter, I have now the pleasure to say that I have had an interview with Lord Stanley, from whom I had a cordial reception, and his Lordship assured me in the most hearty off hand manner that he was perfectly ready to recommend that the Charter should issue, whenever he was assured that the Draft submitted by me was the same as the Act and Draft sent home from Canada, with the exception already agreed on, and that, though a reference to the Law Officers was still necessary, he would do every thing in his power to facilitate the matter ; in fact his Lordship seemed anxious to assure us that he was equally well disposed towards us as his Predecessor, and I think I may venture to say that we shall not now be long without the Charter, of this I have apprised our friends in Edinburgh.

ALEXANDER GILLESPIE, Junior,  
Agent for the Trustees.

LONDON, 18th of September, 1841.

The Royal Charter of Queen's College was finally issued on the 16th of October, 1841, and, on the 29th of that month, an intimation of the fact was communicated to the Honourable William Morris, Chairman of the Board of Trustees, in the following Letter from Edinburgh, but no other Letter on the subject is entered on the Records of the Board of Trustees :

It affords me much pleasure to be able to inform you that the Royal Charter for the Queen's College, has at last been issued, and you will receive by this Packet, official information from Mr. Young, Secretary to the Colonial Committee, of the appointment of the Reverend Thomas Liddell, of Lady Glenorchy's Church in this City, as Principal\*.

DAVIS WELSH. . .

EDINBURGH, 29th of October, 1841.

The following is a copy of the Royal Charter, as it passed the Great Seal on the 16th of October, 1841. It will be noticed that the Charter does not contain any provision for the maintainance of a Theological Professor out of the funds of King's College, as was the case in the Provincial Incorporation Act. which was disallowed, by request of the Trustees of Queen's College. That provision, as intimated to the Trustees, could only be made by the Provincial Legislature, as it was

\*The Reverend Thomas Liddell, D.D., First Principal of Queen's College, resigned his Principalship in 1846, and returned to Scotland, where he died in 1880. His coadjutor, and professor of Latin and Greek, the Reverend Peter Colin Campbell, returned to Scotland in the same year, and became afterwards Principal of Aberdeen University.

in the disallowed Act of 1840.—the Imperial Government having renounced, in consideration of a "Civil List," the right to appropriate any Funds under the control of the Provincial Legislature, as were those of King's College.\*

COPY OF THE ROYAL CHARTER OF QUEEN'S COLLEGE, KINGSTON, DATED THE  
16TH OF OCTOBER, 1841.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING :

Preamble.

WHEREAS, the establishment of a College within the Province of Upper Canada, in North America, in connection with the Church of Scotland, for the Education of youth in the principles of the Christian Religion ; And for their instruction in the various branches of Science and Literature, would greatly conduce to the welfare of OUR said Province.

And Whereas, humble application hath been made to Us by the Reverend Robert McGill, Moderator of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, and the Reverend Alexander Gale, Clerk of the said Synod, and the several other persons hereinafter named, to make them a Body Corporate and Politic, for the purposes aforesaid and hereinafter mentioned ; by granting to them OUR ROYAL CHARTER of Incorporation, and to permit them to use OUR ROYAL TITLE in the name, or Style, thereof.

Certain persons incorporated.

NOW KNOW YE that WE, having taken the premises into OUR Royal consideration, and duty weighing the great utility and importance of such an Institution, have of OUR special grace, certain knowledge, and mere motion, granted, constituted, declared and appointed, and, by these, Presents, for Us OUR Heirs and successors, do grant, constitute, declare and appoint the said Reverends Robert McGill and Alexander Gale, The Reverend John McKenzie, The Reverend William Rintoul, The Reverend William Turnbull Leach, The Reverend James George, The Reverend John Machar, The Reverend Peter Colin Campbell, The Reverend John Cruikshank, The Reverend Alexander Mathieson, Doctor in Divinity, The Reverend John Cook, Doctor in Divinity, and the Principal of the said College for the time being, Ministers of the Presbyterian Church of Canada, in connection with the Church of Scotland. The Honourable John Hamilton, The Honourable James Crooks, The Honourable William Morris, The Honourable Archibald McLean, The Honourable John McDonald, The Honourable Peter McGill, Edward W. Thomson, Thomas McKay, James Morris, John Ewart, John Steele, John Mowat, Alexander Pringle, John Munn and John Strang, Esquires, Members of the said Church, and all and every such other person and persons as now is, or are, or shall, or may, at any time, or times, hereinafter be Ministers of the Presbyterian Church of Canada, in connection with the Church of Scotland,—or Members of the said Presbyterian Church in such connection, and in full communion with the said Presbyterian Church—shall be and be called, one body Corporate and Politic, in Deed and in Law, by the name and style of "QUEEN'S COLLEGE AT KINGSTON," and them by the name of "QUEEN'S COLLEGE AT KINGSTON."

Corporate name.

General Powers.

III. WE do, for the purposes aforesaid and hereinafter mentioned, really and fully for Us, OUR Heirs and Successors, make, erect, create, ordain, constitute, establish, confirm, and declare by these presents, to be one Body Politic and Corporate in Deed and in name : And that they and their Successors, by that name, shall, and may, have perpetual succession as a College—with the style and privileges of an University, for the education and instruction of Youth and Students in Arts and Faculties ; and shall also have and may use a Common Seal, with power to break, change, alter, or make new, the same Seal, as often as they shall judge expedient. And that they, and their Successors, by the name aforesaid, shall and may forever hereafter be able, in Law and in Equity, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever ; and also to have, take, receive, purchase, acquire, hold, possess, enjoy and maintain in Law, to and for the use of the said College, any Messuages,

May hold Property.

\* In regard to the doctrine of non-interference with the powers of the Canadian Legislature, See pages 244 and 253 of the Second Volume of this Documentary History.

Lands, Tenements and Hereditaments, of what kind, nature, or quality, soever, so as that the same do not exceed in yearly value above all charges, the sum of Fifteen Thousand pounds (£15,000,) Sterling : and also that they and their Successors shall have power to take, purchase, acquire, have, hold, enjoy, receive, possess and retain, all, or any, Goods, Chattels, Monies, Stocks, Charitable, or other, Contributions, Gifts, Benefactions, or Bequests, whatsoever : and to give, grant, bargain, sell, demise, or otherwise dispose of, all, or any part, of the same, or of any other property, real, personal, or other, they may, at any time, or times, possess or be entitled to, as to them shall seem best for the interest of the said College.

IV. And WE do further Will, Ordain and Grant, that the said College shall be deemed and taken to be an University ; and that the Students in the said College shall have liberty and faculty of taking the Degrees of Bachelor, Master and Doctor in the several Arts and Faculties at the appointed times ; and shall have liberty within themselves of performing of Scholastic Exercises for conferring such Degrees, in such manner as shall be directed by the Statutes, Rules and Ordinances of the said College. College to be an University.

V. And WE do further Will, Ordain and Appoint that no religious test, or qualification, shall be required of, or appointed for, any persons admitted, or matriculated, as Scholars within our said College ; or of, or for, persons admitted to any Degree in any Art or Faculty therein, save only that all persons admitted within Our said College to any Degree of Divinity, shall make such, and the same, Declarations and Subscriptions as are required of persons admitted to any Degree of Divinity in Our University of Edinburgh. No religious test except in the case of Divinity Students.

VI. And for the better execution of the purposes aforesaid, and for the more regular Government of the said Corporation, WE do declare and Grant that the said Corporation, and their Successors, shall forever have Twenty-seven Trustees, of whom Twelve shall be Ministers of the said Presbyterian Church of Canada, and Fifteen shall be Laymen in full communion with the said Church. And that the said several persons hereinbefore named, and the Principal of the said College, for the time being, shall be the first and present Trustees of the said Corporation, and shall respectively continue in such Office until others shall be appointed in their stead, in pursuance with these Our Letters Patent. Twenty-seven Trustees to be appointed.

VII. And WE further Will that the said Trustees, of the said Corporation hereinbefore particularly named, shall continue in, and hold, the office of Trustees, until the several days, and in the manner hereinafter mentioned, that is to say, three Ministers and four Laymen, whose names stand lowest in this Our Letters Patent, shall retire from the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1843, and their room be supplied by the addition of seven new members, in manner hereinafter mentioned. Three other Ministers and four other Laymen whose names stand next to those in these Our Letters Patent who shall have previously retired, shall retire from the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1844, and their room be supplied by the addition of seven new Members in manner hereinafter mentioned. Three other Ministers and four other Laymen, whose names stand next to those in these Our Letters Patent, who shall have previously retired, shall retire from the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1845 and their room be supplied by the addition of seven new Members, in manner hereinafter mentioned ; and the two remaining Ministers and the three remaining Laymen, whose names stand next to those in these Our Letters Patent, who shall have previously retired, shall retire from the said Board of Trustees on the first day of the Annual Meeting of the said Synod in the year 1846, and their room be supplied by the addition of five new Members, in manner hereinafter mentioned. And on the first day of each succeeding Annual Meeting of the said Synod, three Ministers and four Laymen whose names stand lowest, in the future roll of Ministers and Laymen composing the said Board of Trustees, shall retire from the same, excepting in every fourth year, when two Ministers only, instead of three, and three Laymen only, instead of four, shall so retire. Trustees to retire in rotation. Order of retirement. 1843. 1844. 1845. 1846.

VIII. And the new Members of the Board, to be appointed from time to time in succession to those who retire, shall be appointed in manner following, that is to say : The three Ministers, or two Ministers, as the case may be, shall be chosen by the said Synod on the first day of every Annual Meeting of the same, in such manner as shall seem best to the said Synod ; and the four Laymen, or three Laymen, as the case may be, shall be chosen also on the first day of every Annual Meeting of the said Synod, by the Lay Trustees remaining after the others shall Future appointments. Replacing of Clerical Trustees. Replacing of Lay Trustees.



- List of persons eligible.** have retired ; and shall be so chosen from a list of persons made up in the following manner, that is to say : each Congregation admitted on the Roll of the said Synod, and in regular connection therewith, shall, at a meeting to be specially called from the Pulpit for that purpose, in every third year, nominate one fit and discreet person, being a Member in full communion with the said Church, as eligible to fill the office of Trustee of the said College ; and the persons names, so nominated, being duly intimated by the several Congregations to the Secretary of the Board of Trustees, in such form as the Board may direct, shall be enrolled by the said Board, and constitute the list from which Lay Trustees shall be chosen to fill the vacancies occurring at the Board during each year. And the names of Members, thus added to the Board of Trustees shall be placed, from time to time, at the top of the roll of the Board, the names of the Ministers chosen as new Trustees being first placed there, in order, as the said Synod shall direct. And the names of the Laymen chosen as new Trustees being placed in such order as their Electors shall direct immediately after the names of the said Ministers.
- Mode of selection.**
- Retiring Trustees may be re-elected.** IX. *Provided always*, that the retiring Trustees may be re-elected, as heretofore provided, if the Synod and remaining Lay Trustees respectively see fit to do do.
- Proviso.** X. *And provided always*, that, in case no election of new Trustees shall be made on the said first day of the Annual Meeting of the said Synod, then and there, in such case, the said retiring Members shall remain in office until their successors are appointed at some subsequent period.
- Proviso.** XI. *And Provided always*, that every Trustee, whether Minister, or Layman, before entering on his duties as a Member of the said Board, shall have solemnly declared his belief of the Doctrines of the Westminster Confession of Faith, and his adherence to the standards of the said Church in Government, Discipline and Worship ; and subscribed such a formula to this effect as may be prescribed by the said Synod ; and, that such Declaration and Subscription shall in every case be recorded in the Books of the said Board.
- Power to elect a Principal.** XII. And We further Will, that the said Trustees, and their Successors, shall forever have full power and authority to elect and appoint, for the said College, a Principal, who shall be a Minister of the Church of Scotland, or of the Presbyterian Church of Canada in connection with the Church of Scotland ; and such Professor, or Professors, Master, or Masters, Tutor, or Tutors, and such other Officer, or Officers, as to the said Trustees shall seem meet ; save and except only, that the first Principal of the said College, who is also to be Professor of Divinity, and likewise the first Professor of Morals in the said College, shall be nominated by the Committee of the General Assembly of the Church of Scotland.
- Power to elect Professors and Officers.**
- Proviso.**
- Proviso.** XIII. *Provided always*, that such person as may be appointed to the Office of Principal, or to any Professorship, or other Office in the Theological Department in the said College, shall, before discharging any of the duties, or receiving any of the emoluments of such Office, or Professorship, solemnly declare his belief of the Doctrines of the Westminster Confession of Faith, and his adherence to the Standards of the Church of Scotland, in Government, Discipline, and Worship, and subscribe such a formula to this effect, as may be prescribed by the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, and that such declaration and subscription be recorded in the Books of the Board of Trustees :
- Proviso.** XIV. *And provided always*, that such persons as shall be appointed to Professorships. not in the Theological Department in the said College, shall, before discharging any of the duties, or receiving any of the emoluments of such Professorships, subscribe such a formula, declarative of their belief of the Doctrines of the aforesaid Confession of Faith as the Synod may prescribe.
- Discipline of Principal, Professors and others.** XV. And We further Will, that if any complaint respecting the conduct of the Principal, or any Professor, Master, Tutor, or other Officer of the said College, be, at any time, made to the Board of Trustees, they may institute an enquiry, and, in the event of any impropriety of conduct being duly proved, they shall admonish, reprove, suspend, or remove, the person offending, as to them may seem good—
- Proviso.** XVI. *Provided always*, that the grounds of such admonition, reproof, suspension, or removal. be recorded at length in the Books of the said Board.
- Power to erect an edifice.** XVII. And We further will that the said Trustees and their successors shall have full power and authority to erect an Edifice, or Edifices, for the use of the said College,

XVIII. *Provided always*, that such Edifice, or Edifices, shall not be more than three miles distant from St. Andrew's Church in the Town of Kingston in the Province of Upper Canada. Location.

XIX. And We further Will, that the said Trustees, and their Successors, shall have power and authority to frame and make Statutes, Rules and Ordinances, touching and concerning the good government of the said College, the performance of Divine Service therein, the Studies, Lectures, Exercises, and all matters regarding the same; the number, residence and duties of the Professors thereof, the management of the revenues and property of the said College, the salaries, stipends, provision and emoluments of, and for, the Professors, Officers and Servants thereof, the number and duties of such Officers and Servants, and also touching and concerning any other matter, or thing, which to them shall seem necessary for the well being and advancement of the said College, and also, from time to time, by any new statutes, rules, or ordinances, to revoke, renew, augment, or alter, all, every, or any, of the said Statutes, Rules and Ordinances as to them shall seem meet, and expedient : Power to make Statutes.

XX. *Provided always*, that the said Statutes, Rules and Ordinances, or any of them, shall not be repugnant to these Presents, or to the Laws and Statutes of the said Province. Proviso.

XXI. *Provided also*, that the said Statutes, Rules and Ordinances, in so far as they regard the performance of Divine Service in the said College, the duties of the Professors in the Theological Department thereof, and the studies and exercises of the students of Divinity therein, shall be subject to the inspection of the said Synod of the Presbyterian Church, and shall be forthwith transmitted to the Clerk of the said Synod, and be, by him, laid before the same, at their next Meeting, for their approval; and until such approval, duly authenticated by the signatures of the Moderator and Clerk of the said Synod is obtained, the same shall not be in force. Approval of Synod.

XXII. And We further Will, that, so soon as there shall be a Principal and one Professor in the said College, the Board of Trustees shall have authority to constitute, under their Seal, the said Principal and Professor, together with three Members of the Board of Trustees, a Court to be called : "The College Senate," for the exercise of Academical superintendence and discipline over the students, and all other persons resident within the same, and, with such powers, for maintaining order and enforcing obedience to the Statutes, Rules and Ordinances of the said College, as to the said Board may seem meet and necessary :— College Senate constituted.

XXIII. *Provided always*, that so soon as three additional Professors shall be employed in the said College, no Trustee shall be a Member of the said College Senate, but that such Principal and all the Professors of the said College shall forever constitute the College Senate with the powers just mentioned. Proviso.

XXIV. And We further Will, that, whenever there shall be a Principal and four Professors employed in the said College, the College Senate shall have power and authority to confer the Degrees of Bachelor, Master, and Doctor in the several Arts and Faculties. Power to confer Degrees.

XXV. And We further Will, that five of the said Trustees, lawfully convened, as is hereinafter directed, shall be a quorum for the despatch of all business, except for the disposal and purchase of Real Estate, or for the choice, or removal, of the Principal, or Professors, for any of which purposes there shall be a meeting of, at least, thirteen Trustees. Quorum of Trustees.

XXVI. And We further Will that the said Trustees shall have full power and authority, from time to time, to choose a Secretary and Treasurer: and also, once in each year, or oftener, a Chairman, who shall preside at all Meetings of the Board. Power to choose Secretary, Treasurer and Chairman.

XXVII. And We further Will that the said Trustees shall have power, by a majority of the voices of the Members present, to select and appoint, in the event of a vacancy in the Board, by death, resignation, or removal from the Province, a person whose name is on the list from which appointments are to be made, to fill such vacancy, choosing a Minister in the room of a Minister, and a Layman in the room of a Layman, and inserting the name of the person so chosen, in that place on the Roll of the Board in which the name of the Trustee, in whose stead he may have been chosen, stood; so that the persons, so chosen, may be, as to continuance in office, and in all other respects, as the persons would have been, by whose death, resignation, or removal, the vacancy was occasioned. Power to fill vacancies in the Board.

First  
General  
Meeting.

XXVIII. And WE further Will that the first General Meeting of the said Trustees shall be held at Kingston upon such a day, within six Calendar Months after the date of these OUR Letters Patent, as shall be fixed for that purpose by the Trustee first named in these Presents, who shall be then living; of which Meeting thirty day's notice, at least, shall be given, by notification in writing to each of the Trustees for the time being, who shall be resident at the time, within the Provinces of Upper or Lower Canada; and the same shall also be notified at the same time, by advertisement in one or more of the Public Newspapers of the said Province.

Future  
Meetings.

XXIX. And the said Trustees shall also afterwards have power to meet at Kingston aforesaid, or at such other place as they shall fix for that purpose, upon their own adjournment, and likewise so often as they shall be summoned by the Chairman, or in his absence, by the Senior Trustee, whose seniority shall be determined in the first instance by the order in which the said Trustees are named in these Presents, and afterwards by the order in which they shall be subsequently arranged, pursuant to the powers hereinbefore contained.

Notice in  
writing.

XXX. *Provided always*, that the said Chairman, or Senior Trustee, shall not summon a Meeting of the Trustees, unless required so to do by a notice in writing from three Members of the Board.

Publication of  
Notice.

XXXI. *And provided also*, that he cause notice of the time and place of the said Meeting to be given in one or more of the Public Newspapers of the Province of Upper and Lower Canada, at least thirty days before such Meeting; and that every Member of the Board of Trustees, resident within the said Provinces, shall be notified in writing by the Secretary to the Corporation, of the time and place of such Meeting.

Intention and  
Meaning of  
Letters  
Patent.

XXXII. And WE Will, and by these Presents for US OUR Heirs and Successors, do grant and declare that these OUR Letters Patent, or the enrolment, or exemplification thereof, shall and may be good, firm and valid, sufficient and effectual in the Law, according to the true intent and meaning of the same, and shall be taken, construed and adjusted in the most favourable and beneficial sense, for the best advantage of OUR said College, as well, in OUR Courts of Record, as elsewhere; and by all and singular Judges, Justices, Officers, Ministers, and others, subject whatsoever of US OUR Heirs and Successors, any unrecital, non-recital, omission, imperfection, defect, matter, cause, or anything whatsoever, to the contrary thereof in any wise notwithstanding.

Date: 16th of  
October,  
1841.

In Witness Whereof, We have caused these OUR Letters to be made Patent. Witness OURSELF, at OUR Palace at Westminster, this Sixteenth Day of October, in the Fifth Year of OUR Reign.

By Writ of Privy Seal,

EDMUNDS.

## CHAPTER VI.

### PROPOSED CHURCH OF SCOTLAND PROFESSOR OF THEOLOGY IN KING'S COLLEGE, TORONTO.

The special claim of the Synod of the Church of Scotland in Canada to have a Professorship of Theology in King's College, Toronto, did not originate with that Synod, nor with any Member of that Church in Canada. It originated in England, and as far back as in the year 1828. But it was adopted and recognized by the Synod and Members of that Church. The matter originated in this way:

In May, 1828, a Select Committee of the Imperial House of Commons was appointed, on motion of that eminent English Statesman, William Huskisson, "to enquire into the State of the Civil Government of Canada." To this Committee was referred the subject of an Address to the King from the Upper Canada House of Assembly, agreed to on the 20th of March, 1828. This Address protested against the exclusive character of the Royal Charter to King's College which had been granted, under the Great Seal, during the preceding year.

After reporting against the exclusive character and unjust effect of such a Charter as that granted to King's College, as entirely unsuited to a Country like Canada, the Committee—



State as their opinion that great benefit would accrue to the Province by changing the constitution of [the College Council]. They think that two Theological Professors should be established, one of the Church of England and another of the Church of Scotland (whose lectures the respective Candidates for Holy Orders should be required to attend), but that, with respect to the President, Professors, and others connected with the College, no religious test whatever should be required. (See page 253 of the First Volume of this Documentary History.)

Why the Committee ignored the equal "claims" of the Methodists and other Denominations of Christians in Upper Canada, does not appear. The anomaly of such an exclusive selection, as that of the Church of Scotland for a share in the funds of King's College, is pointed out in a very forcible manner by Lord Sydenham, in his Despatch to the Colonial Secretary, dated the 10th of October, 1840,—which see, further on in this Chapter.

#### PROCEEDINGS OF THE UNITED PRESBYTERY AND SYNOD ON THE SUBJECT, 1831.

In January, 1831, as stated on page 13 of the Second Volume of this Documentary History, the United Presbytery of Upper Canada\* met at South Gower and passed a Resolution as follows:

*Resolved*, That a respectful and immediate application be made to His Excellency the Lieutenant-Governor, Sir John Colborne, requesting him to procure for the United Presbytery of Upper Canada the privilege of choosing a Professor of Divinity in King's College, to sit in the Council, and, in every respect, to be on an equal footing with the other Professors in said College. (See page 74 of this Volume, *ante*; and page 284 of Volume Three of this History.)

At the second Session of the United Presbytery of Upper Canada—then formed into "the Synod of Upper Canada"—held at Kingston, in August, 1832, it adopted an "overture" from the Presbytery of York, and agreed—

That the Synod recognizes the great importance of a Seminary for educating and training young men for the Ministry within the bounds of this Synod.

That an immediate and urgent application be made by the Synod to the Government to found an Institution, or to endow Professorships in connection with the Synod.

That, in the event of the Government not founding, or indefinitely delaying to found, an Institution, or Professorship, the Synod should take into serious consideration the importance of adopting a permanent measure for the education and training of Ministers.

The Synod referred the subject at the time to a Special Committee, but it was afterwards referred to the Standing Committee of the Synod to prepare a Memorial to the King, embodying the substance of what the Synod had agreed to. (The further action of the Synod in this matter is detailed on pages 285-291 of the Third Volume of this Documentary History.)

#### THE LEGISLATIVE COUNCIL IN FAVOUR OF A PRESBYTERIAN PROFESSOR OF THEOLOGY IN KING'S COLLEGE, 1837.

When the Charter of King's College was first amended, during the Session of the Upper Canada Legislature in 1837, an elaborate Report on the amendments to the Charter, as proposed by the House of Assembly, was prepared by a Select Committee of the Legislative Council. In that Report, the Committee cited the recommendation of the Committee of the Imperial Parliament, in 1828, that a

\* From the Reverend Doctor Gregg's "History of the Presbyterian Church in Canada" (1885) I learn that this Presbyterian Church Organization was first formed in 1818; in 1825, it became the "United Presbytery of Upper Canada;" and, in 1831, it assumed the name and designation of the "United Synod of Upper Canada."

Theological Professorship of the Church of Scotland should be established in King's College. In regard to this recommendation, the Report of the Legislative Council stated that—

In order to reconcile all interests, your Committee felt inclined to propose that a Theological Professor of the Church of Scotland should be placed on the foundation, as suggested by the Select Committee of the House of Commons in 1828 ; but, on farther examination, it was found that the College Council has full power to do this without special enactment. Your Committee, therefore, deemed it sufficient to recommend it to be done, so soon after the College is put in operation as may be convenient.

The Legislative Council adopted this Report ; and, although opposed to the alterations in the Charter, as proposed by the House of Assembly, yet agreed to them. King's College did not, however, go into operation until 1843, and, by that time, a Royal Charter for Queen's College superseded the Provincial Act incorporating it, which had made provision, in the fifteenth Section, for the support, out of the funds of King's College, of a Theological Professorship in Queen's College.

After the passage of the King's College Amendment Bill of 1837, the Honourable William Morris published a pamphlet containing his Correspondence with the Colonial Office. In that Correspondence, amongst other things, he criticised the Charter of King's College, and expressed dissatisfaction with the amendments then made to it. The Reverend Doctor Strachan, in his reply to Mr. Morris, of the 4th of December, 1837, dissented from Mr. Morris' statement of the case, and informed him that the Legislative Council had approved of the proposal to appoint a Church of Scotland Theological Professor in King's College. He said :

With regard to your assertion that the Bill amending the Charter of King's College passed the Assembly, without being sufficiently understood, and that you do not consider it as expressive of the voice of more than a small minority of the inhabitants, they are so extraordinary, that I presume not to make any other reply than that the Assembly is quite able, without my assistance, to vindicate its own character against such aspersions, and that the amended Charter was carried on the first division, by a majority of fifteen, and on the second, by a majority of twenty-one.

The feelings of the Members of the Legislative Council were so far from being hostile to the Church of Scotland, that they unanimously adopted the Report of the Select Committee, of which you were a Member, recommending that a Theological Professor of the Church of Scotland should be appointed, as soon after the College went into operation as might be convenient.

To this statement of Doctor Strachan, Mr. Morris, in June, 1838, replied :

You say that the feelings of the Members of the Legislative Council were "so far from being hostile to the Church of Scotland that they unanimously recommended that a Theological Professor of the Church of Scotland should be appointed, as soon after the College went into operation as might be convenient."

I thank the Members of the Council for their liberality. But you know how that recommendation originated in the Select Committee, and to convince you how little value I attach to it, I need only say that I fear the fatal words "after" and "convenient" will exclude, during your lifetime, at least, the old-fashioned Geneva Gown from the precincts of the College Avenue. . . \*

#### CORRESPONDENCE WITH THE IMPERIAL GOVERNMENT ON THE SUBJECT.

On the 25th of July, 1837, the Reverend Doctor McFarlan, Principal of the Glasgow College, addressed a Letter to Sir George Grey, Under-Secretary of State for the Colonies, in which he stated that the Reverend Doctor Mathieson,

\* See pages 91 and 92 of the Third Volume of this Documentary History.

of Montreal, whom he introduced to Earl Grey, had been commissioned by his Brethren to provide, amongst other things, for :—

The foundation in King's College, Toronto, and McGill College, Montreal, of Professorships in the various branches of a liberal education, but especially in Theology, in conformity to the principles of, and to be held by Professors in connection with, the Church of Scotland.\*

On the 5th of August, 1837, the Reverend Doctor Alexander Mathieson addressed Lord Glenelg at length, (in conjunction with the Reverend John Machar, of Kingston), on the objects of their mission. I make an extract from his Letter, as follows :

Third : In connection with this subject (*i.e.* Education in Lower Canada), I was further instructed to urge the propriety of its being made a positive condition, on the part of Her Majesty's Government, that, in lieu of the advantages conferred by the Parent State on Colonial Universities, and more especially on King's College, Toronto, and McGill College, Montreal, these Institutions be established on such a liberal foundation as to be made available to Her Majesty's subjects in the Canadas of every Denomination. That the chief qualifications required in the persons appointed to fill the Chairs, not expressly connected with Theology, shall be superior eminence in the knowledge of these branches of Education which he is required to teach, and a simple declaration in his belief in the Holy Scriptures. That, in each of these Universities two Theological Faculties shall be established, one of the Church of England and another of the Church of Scotland. That the appointment of Professors to fill the Chairs of the last of these Faculties shall be vested in the Synod, subject to the approval of the Crown, and that the internal management of this Faculty, in so far as respects the terms, the course and the subjects of study, shall also be under the direction of the Synod.

ALEXANDER MATHIESON.

LONDON, 5th August, 1837.

In reply to this Letter, Doctor Mathieson was referred, by Sir James Stephen, Under-Secretary, to Mr. Morris, who had already been in communication with the Colonial Office on the subject. On receipt of this Communication, Doctor Mathieson again addressed a Letter to the Colonial Office, in which, after further discussing the question with Sir James Stephen he said :

If two Theological Faculties, one in connection with the Church of England, and the other with the Church of Scotland, having an independent internal management, be erected on the foundation of the University (of King's College), as recommended by Government ; and, if the Classical and Philosophical departments be left open to those who, believing in the authenticity and inspiration of the Holy Scriptures, are best qualified in the different branches of Literature and Science required to be taught, I am persuaded that it would conduce more decidedly towards preserving the Church of England entire, and promoting her prosperity than any other scheme, while it would be more acceptable to the great bulk of the Colonists themselves. . . .

ALEXANDER MATHIESON.

LONDON, 9th August, 1837.

The reply to this Letter, and other proceedings in the matter, are given on the 288th and following pages of the Third Volume of this Documentary History.

In the Proceedings of the Council of King's College, dated the 19th of July, 1839, the following entry occurs : A copy of a Despatch from Lord Glenelg, (dated July 21st, 1837,) when Secretary of State for the Colonies, to Sir Francis Bond Head, late Lieutenant Governor of Upper Canada, was laid before the Council, transmitting sundry Letters respecting the application of the Honour-

\* See page 286 of the Third Volume of this Documentary History.

† No doubt, the Reverend Doctor Mathieson here refers to the proposal suggested by the Select Committee of the Imperial House of Commons in 1823, on page 253 of the First Volume of this Documentary History. See also page 258 of that Volume.



able William Morris, as the authorized Agent of the Scotch Church in Upper Canada, that the Royal assent to "The Act amending the Charter of King's College" should be withheld, until a Professorship of Divinity should be appointed in that College for the Students of that Church.

Communications from the Secretary of Sir George Arthur, Lieutenant Governor, were also laid before the Council, transmitting, (1), a Letter from the Commission of the Synod of the Presbyterian Church of Canada, dated the 9th of March, 1839, respecting a Professorship of Divinity for the Church of Scotland, and, (2), a Letter to the Reverend William Rintoul, dated the 14th of March, 1839, in answer to an application to His Excellency from the Synod of the Presbyterian Church, in connection with the Church of Scotland, respecting a Professorship of Divinity for Students belonging to that Church.

NOTE.—None of these Communications are entered in the Minutes of King's College Council. The further proceedings of the Synod in these matters will be found on pages 289-291 of the Third Volume of this Documentary History.

#### THE UPPER CANADA COMMISSION ON EDUCATION, REPORT ADVERSELY (IN 1839), AGAINST MORE THAN ONE THEOLOGICAL PROFESSORSHIP IN THE SAME COLLEGE.

In October, 1839, Sir George Arthur, the then Lieutenant Governor, appointed a Commission, of which the Reverend Doctor McCaul was Chairman, to examine into the past and present State of Education throughout the Province, and also to "Institute an inquiry with reference to the constitution of King's College . . . and its Revenue . . . and how, in future, [that Revenue] may be most beneficially employed."

In the Report which these Commissioners prepared, they strongly dissented, apparently on prudential grounds, from the proposed plan of having various Professors of Theology in the University of King's College. The following is that part of the Commissioners' Report dealing with this matter:

Your Committee have bestowed much consideration on the subject of the Theological Department [in their "plan of Education"]. It is their conviction that it would be wholly subversive of the order and well being of an University, to have within it Chairs for the Professors of different Denominations of Religion. But, although they would, for this reason, suggest, that the University, in this Faculty, should be assimilated to those of Oxford, Cambridge and Dublin; they would also recommend that provision should be made for affording to the students for the Ministry in other Denominations of Christianity, the advantages of an academic education. They, therefore, submit the only plan by which it appears to them the important object of instruction for Theological Students can be obtained, without exciting angry and jealous feelings throughout the Province, or endangering the peace and harmony of the University.

They would recommend that Theological Seminaries should be established, (either all in one, or each in a different part of the Province,) one for each Denomination that might appear to require such an establishment, for the education of their Clergy. On finishing their course of instruction there, the Student should receive a diploma, certifying that he had completed the requisite course of Theological study, which might be an essential in the requisites for such titles, or degrees, in Divinity, as the authorities of each Theological Seminary might be empowered to confer. (Page 247 of the Third Volume of this Documentary History).

During the month of December, 1839, renewed efforts were made by the Presbyterian Synod to promote the establishment of Queen's College.

## PROVISION MADE IN QUEEN'S COLLEGE FOR A THEOLOGICAL PROFESSORSHIP, 1840.

A Bill was introduced into the House of Assembly on the 17th of December, 1839, to incorporate Queen's College; and, on the following day, an influential Meeting was held in St. Andrew's Church, Kingston, to take active and definite steps to establish the College in that City. In a Memorandum, on the steps taken by its promoters to bring the College into operation, kindly furnished to me by the Reverend Doctor George Bell, dated in December, 1895, he says :

The Act of Incorporation which passed on the 10th of February, 1840, instituted the College under the name of "The University of Kingston." This Act had a Clause, (15), granting to the College a yearly payment from the revenues of King's College, Toronto, for the maintenance of a Theological Professorship, according to the Faith and Discipline of the Church of Scotland, which was to satisfy the claim of that Church to have such a Professorship in King's College.

The first Meeting of the Trustees of the College, under this Act, was held on the 20th day of May, 1840. At this Meeting, the Chairman, the Honourable William Morris, submitted a Draft of a Royal Charter, for the granting of which, it was proposed to apply to the Crown. The founders wished to have the name of "Queen's College" given to the Institution in the Act; but this name had been [changed by Messieurs James Morris and Edward W. Thomson, in the House of Assembly]\* on the ground, that it would be discourteous to give it Her Majesty's name without her permission. The Trustees at that Meeting agreed to petition Her Majesty to grant a Royal Charter, to the Institution, under the name of "Queen's College at Kingston," (A copy of this Petition is given on page 75 *ante*.)

CORRESPONDENCE IN REGARD TO A PRESBYTERIAN THEOLOGICAL PROFESSORSHIP  
IN KING'S COLLEGE, 1840.

As the result of the Proceedings at the Meeting of Trustees, the following Letter was addressed, on the 27th of May, 1840, to the Honourable Samuel B. Harrison, Provincial Secretary, West, by the Honourable William Morris, President of the Board of Trustees of the proposed Queen's College :

I have to request that you will have the goodness to inform His Excellency the Lieutenant Governor that, at a late Meeting of the Trustees of "Queen's College" I made a report of the arrangement which was entered into by the Honourable Robert Baldwin Sullivan and myself, for the surrender by the Church of Scotland of all claim to a Theological Chair in King's College, in consideration of an annual allowance of One Thousand pounds, (£1,000), to be paid by His Excellency from the funds of the latter Institution, to endow a Theological Professorship in the former, which arrangement His Excellency was pleased to sanction, by acquainting me that he instructed Mr. Sullivan to close with me on these terms.†

The Trustees directed me to intimate to His Excellency that it is expected that Queen's College will be put in operation on the 1st of November next, and, as the payment of the above allowance, by the terms of the Statute, is not to commence until both Institutions are in actual operation, they are anxious to learn from His Excellency if King's College will also be begun by that period.

Should the proposed Buildings, in connection with Upper Canada College, be not completed by the 1st of November, the Trustees hope that that circumstances will not operate against them, as Upper Canada College forms a part of, and is incorporated with, King's College, and this, it is hoped, may justify His Excellency in regarding both Colleges in operation, whenever it is reported to him that Queen's College is so.

The Trustees will feel greatly obliged to His Excellency for an early answer to this Letter. I was also directed to communicate with His Excellency the decision of the Trustees regarding the Building erected at Kingston for a General Hospital, which I will do the moment I receive a copy of the Resolution adopted on that subject.

W. MORRIS.

PERTH, 27th of May, 1840.

\* See page 225 of the Third Volume of this Documentary History.

† The Honourable Robert Baldwin Sullivan was, at this time, President of the Executive Council, and as such, was the Representative in the Legislative Council of the Provincial Government.

This Letter was enclosed by Mr. Harrison to the Honourable R. B. Sullivan, on the 5th of June, 1840, with the following Letter :

I have the honour, by Command of the Lieutenant Governor, to transmit you a Letter which has been received from the Honourable William Morris, on the subject of a Theological Professorship (in King's College), in connection with the Church of Scotland.

As your name is introduced in this Letter by Mr. Morris, I am to request you will have the goodness to give the matter your early and attentive consideration, and make your report thereon, for His Excellency's information and guidance.

TORONTO, 5th of June, 1840.

S. B. HARRISON.

To this Letter, the Honourable Robert B. Sullivan, on the 8th of June, 1840, sent the following reply to Mr. Harrison:—

In obedience to the commands of His Excellency, the Lieutenant Governor, directing me to give the subject matter of a Letter from the Honourable William Morris my early and attentive consideration, as regards the arrangement entered into for the allowance to be made from the funds of King's College to the University of Queen's College, and to report thereon fully for His Excellency's information, I have the honour to reply to your note of the 5th of June, instant, containing His Excellency's commands.

In the Draft of a Bill introduced into the Honourable the Legislative Council for incorporating Queen's College, I observed that it was contemplated to continue the claim to have a Theological Chair in King's College according to the Faith and Discipline of the Church of Scotland.

It struck me that it would be most convenient and politic to have the Education of Graduates in Theology, intended for the Ministry of the Church of Scotland, conducted exclusively in the University erected under the auspices of that Church.

Mr. Morris fully concurred in my suggestions, and Doctor Strachan, the Lord Bishop of Toronto, in his place in the Legislative Council, fully admitted the claim of the Scottish Church to have a Divinity Professorship in the University of King's College, and also agreed to the proposed arrangement; and it was settled upon all hands that the Church of Scotland should relinquish that claim, in consideration of a corresponding allowance from the funds of King's College for the maintenance of the Professorship of Divinity in the other Institution.

I explained to Mr. Morris that it would be proper to have the sanction of His Excellency, the Governor General, to this arrangement, and, according, I had the honour to communicate the facts to His Excellency, and to express my opinion that a liberal allowance should be made for that purpose.

The fifteenth Section of the Bill was accordingly, with His Excellency's approval, introduced and carried, and it was by that clause left to the Governor, Lieutenant Governor, or Person administering the Government of the Province, to authorize and direct the payment of such yearly sum as he should think just for the above purpose, in satisfaction of all claim on the part of the Church of Scotland for the institution of a Professorship of Divinity in the University of King's College, according to the Faith and Discipline of the Church of Scotland. Mr. Morris, in talking over the matter with me, expressed his opinion that the allowance ought not to be confined strictly to the salary of a Professor, in which I concurred, and he mentioned the sum of One Thousand pounds (£1,000,) per annum, I did not, however, state this amount to His Excellency, the Governor General, as part of the arrangement, nor did I conceive it to be so; I supposed that the amount was to be the subject of future consideration, as expressed in the Act.

His Excellency the Governor General will, no doubt, recollect, if he instructed me to pledge the Government to any specified sum. My impression is very strong that he did not; but Mr. Morris is evidently under the conviction that he mentioned a sum to the Governor General, to which His Excellency assented; and, if His Excellency's recollection accords with the impression in Mr. Morris' mind, my not being informed of the fact cannot be of any importance.

TORONTO, 8th of June, 1840.

R. B. SULLIVAN.

This Letter having been laid before the Lieutenant Governor, Sir George Arthur, he enclosed it for the consideration of the Governor General, in a Despatch, addressed to him, and dated the 24th of June, 1840, in which he said:—

My dear Governor General,

A Communication, of which I have the honour to transmit a copy for Your Excellency's perusal, has been made by the Honourable William Morris to Mr. Secretary Harrison, on the subject of the proposed allowance from the funds of King's College for the institution of a



Theological Professorship in Queen's College. As Mr. Sullivan's name was mentioned in Mr. Morris' communication, as having been the person through whom Mr. Morris stated that Your Excellency has been pleased to sanction an arrangement by which One Thousand pounds. (£1,000), per annum was to be made to Queen's College, in consideration of the surrender, by the Church of Scotland, of all claim to a Theological Chair in King's College, I thought it proper to cause a copy of Mr. Morris' Communication to be sent to that Gentleman, with a request that he would furnish me with all the information on the subject which he had it in his power to afford.

From Mr. Sullivan's Report, of which I also transmit a copy, Your Excellency will observe that that Gentleman does not concur in what appears to be Mr. Morris' impression that the sum of One Thousand pounds, (£1,000), per annum was the amount determined upon as an equivalent for the surrender of the Theological Chair, and that he conceived such was not the case, but that the amount of the allowance was to be the subject of future consideration. Mr. Sullivan having suggested that Your Excellency would recollect whether such was the case, or not, and whether Your Excellency had assented to the sum of One Thousand pounds, (£1,000), as proposed by Mr. Morris, I have thought it right to make this Communication, and to request that you will favour me with your recollection upon the subject. Doctor Strachan, the Bishop of Toronto, appears to confirm Mr. Sullivan's statement, and, from what passed in the Legislative Council, His Lordship's impression is that the intention was to give a salary of Four or Five Hundred pounds a year to a Professor.

TORONTO, 24th of June, 1840.

GEO. ARTHUR.

In reply to this Communication, the Governor General, on the 2nd of July, said :—

My Dear Sir George,—

My recollection of what passed upon the subject of the Divinity Professorship of the Church of Scotland, so far as I am concerned, entirely agrees with Mr. Sullivan's. Indeed, I could, without having referred to his statement, have at once related the circumstances. Your having presented to me the Bill for the Kingston University, I objected to a clause containing some alterations in the Charter of the Upper Canada University, as that Institution was not before the Legislature, or in any way concerned in the Bill. This was admitted; but I was told that the Church of Scotland, having a claim to a Divinity Professorship in this last mentioned University, the necessity for which would probably cease if the Kingston University was established, the opportunity was a good one for affecting some arrangement mutually agreeable to both parties. Accordingly a clause was proposed, authorizing the payment by the Upper Canada University to Queen's College of such a sum as the Governor might direct, in lieu of the Scotch Divinity Chair. To this I assented, understanding that it was desired by both parties; but I never entered upon the consideration of the amount to be awarded, or whether the compensation was to be extended beyond the Salary of the Professor. Indeed, this is sufficiently obvious, for, if the amount could have been defined at the time, it would have been introduced into the Bill, and the necessity for any future reference to the Governor, as provided by the clause would have been removed. I consider the matter, therefore, as one entirely open; and I confess that I am somewhat surprised at such a claim as One Thousand pounds, (£1,000), a year being advanced for such a purpose.

Not having the means of information now, any more than then, before me, I am, of course, unable to offer any well considered opinion upon the amount which ought, in justice, to be given; but I think that, looking to the scale of Professors' salaries generally, an allowance of Three or Four Hundred pounds a year ought to be considered ample.

It is to be recollected that the Upper Canada University imposes no test, and is as open to Members of the Church of Scotland, as to those of the Church of England, and the compensation, therefore, must be strictly confined to the single consideration of the Divinity Chair.

QUEBEC, 2nd of July, 1840.

C. POULETT THOMSON.

The following Communication from the Honourable William Morris to the Reverend Doctor Cook, of Quebec, is in reply to one addressed to Mr. Morris by Doctor Cook, but of which there is no copy in the Book of Records of the Trustees of Queen's College.

Your Letter of the 22nd, instant came to hand by last post, and I hope you may be able to settle the term, of the Charter with the Governor General, at Quebec, and thereby avoid a journey to Montreal. Please let me know what he says respecting the (Professorship) endow-

ment, for, by the terms of the answer of Lord John Russell to Mr. Gillespie, you will observe that an application to the Home Government must first be brought under the notice of His Excellency. In applying for some endowment, it may be well to mention what we expect from the funds of King's College for the surrender of Divinity Chair in that Institution, as His Excellency should be made aware of every circumstance of our case. Explain to him that King's College is endowed with 225,000 acres of choice land, estimated by Doctor Strachan, in my presence, to yield, when fully realized, Fifteen Thousand pounds, (£15,000,) a year;—that Upper Canada College, incorporated with the University is endowed with 66,000 acres, besides an annual allowance of One Thousand pounds, (£1,000,) sterling from the Casual and Territorial Revenue, so that what I bargained for, in lieu of our Chair : One Thousand pounds, (£1,000), is but a small provision, when contrasted with the above, and ought not to be regarded by Her Majesty's Government as anything like what we should receive to assist in endowing our College; they ought certainly to give us a grant of land, or money, sufficient to erect our Building, and to provide for the expense of a Preparatory School in the College, say Five Hundred pounds, (£500,) a year. I wrote to the Government Office lately, explaining the particulars of the Report which I made to the College Trustees of my bargain with Mr. Sullivan\* and of my calling on Sir George for information as to when the allowance would commence. I have not yet got an answer from Sir George. You will not think me visionary by and by. I will prepare the Address to the Queen for an endowment, with great pleasure, when I have his Excellency's permission to do so; but, as this will probably be after you set out, I will forward the Address for you to the care of Mr. Gillespie. The instructions, or authority, to yourself and Mr. Rintoul to act, I will send to you in a few days; but I really feel that I am unable to suggest any particular line of proceeding for your guidance, which I am persuaded, will not occur to yourselves. I may say, however, that, perhaps, it may be well that you should first report your arrival to the Edinburgh Committee, and seek their counsel and advice. Get them to relinquish the appointment of our second Professor, and advise me instantly, that an early answer may be given to Doctor Rae and Mr. Findlater.

W. MORRIS.

PERTH, 29th of June, 1840.

A Letter, (as will be seen, page 93, *ante*,) was written by the Honourable William Morris to the Honourable Samuel B. Harrison Provincial Secretary, West, on the subject of the "bargain" made by Mr. Morris with the Honourable Robert B. Sullivan, a Member of the Government, in the Legislative Council. This Letter, having been referred by Sir George Arthur, the Lieutenant-Governor, to the Governor General for his consideration, (see page 94, *ante*,) no reply to his Letter could be sent to Mr. Morris until the pleasure of the Governor General, in regard to it, was known. His Excellency having replied to Sir George Arthur's Communication on the subject, Mr. Harrison was directed to send an answer to the letter of Mr. Morris, dated the 27th of the preceeding May. This he did on the 14th of July, as follows:—

I have the honour to acknowledge your Letter of 27th of May, last, on the subject of the arrangement entered into between Mr. Sullivan and yourself, for the surrender, by the Church of Scotland, of all claim to a Theological Chair in King's College.

In reply, I am commanded by the Lieutenant Governor to inform you, that, having communicated with the Governor General, under whose sanction the arrangement in question was made, and with Mr. Sullivan, on the subject, His Excellency is led to believe that you must be under some misapprehension with regard to the terms of that arrangement. It would seem that the surrender, by the Church of Scotland, of all claim to a Theological Chair in King's College University, in consideration of some allowance out of the funds of that Institution to Queen's College, was considered desirable by all parties; but it does not appear that the Governor General entered upon the consideration of the amount to be awarded. The Lieutenant

\*It will be seen, from Mr. Sullivan's Letter to Mr. Harrison, the Provincial Secretary, in regard to this "bargain," that the terms of it, as reported by Mr. Morris, differ from those given in Mr. Sullivan's Letter, *ante*.

Governor is, therefore, led to conclude that the matter, as to the amount, is still entirely open. This seems sufficiently obvious; because, if the amount could have been defined at the time, it would have been introduced into the Bill, and the necessity of any future reference to the Governor, as provided by the clause of the Statute, have been removed.

I am also directed to inform you, that the Lieutenant Governor is extremely anxious to see King's College in operation as soon as practicable, and that he hopes arrangements may very shortly be completed for effecting that highly desirable object.

S. B. HARRISON.

TORONTO, 14th of July, 1840.

Subsequently to this date, the correspondence relating to Queen's College had reference to the granting of the Royal Charter to that Institution. (See Chapter V, *ante*). On the 10th of October, 1840, Lord John Russell wrote a Despatch to Lord Sydenham reviewing the whole case. (See page 81, *ante*, and page 107, *post*) On the 4th of November, 1840; Lord John Russell, Secretary of State for the Colonies, wrote again to the Governor General—an extract of which will be found on page 80, *ante*.

In the Despatch of Lord John Russell—an extract of which only was laid before the House of Assembly, on the 27th of March, 1845,—he speaks of the

“Act to establish a College of the name and of the Style of the University of Kingston,” which is to be exclusively of the Scotch Presbyterian Persuasion. All the Governing Body must belong to that Church, and they must all avow their adherence to the Confession of Westminster.

Lord John Russell then proceeds to discuss the expediency of taking a portion of the funds of King's College to maintain a Theological Professor in the Presbyterian College at Kingston. Further on, he gives a comprehensive review of the whole case, and especially of the claim of the founders of Queen's College for a share in the funds of King's College for a Theological Professorship in that College. This part of the Despatch will be found in the summing up of this matter, at the close of this Chapter.

On the 21st of October, 1840, the Reverend Doctor Hugh Urquhart, Moderator, on behalf of the Commission of the Synod,\* addressed a Communication to the Honourable Samuel B. Harrison, Provincial Secretary, West, on the subject of the endowment of the Chair of Theology in Queen's College, from the funds of King's College. (No copy of this Letter is contained in the Records of the Trustees of Queen's College); but a copy of the Minutes of the “Commission of the Synod of the Presbyterian Church of Canada” has been obtained for me by the Reverend Doctor George Bell, Registrar of Queen's College, and are as follows:—

TORONTO, 8th of July, 1840. “The Commission appointed Mr. Alexander Gale and Mr. William T. Leach to prepare a Memorial on the subject of the Claims of the Synod on the funds of King's College, and to report at next ordinary Meeting.”

KINGSTON, 7th of October, 1840. . . . “The Commission then proceeded to the consideration of the business specially before them, connected with Queen's College and University.

There was given in by the Moderator and read the following :

I. A Letter addressed by the Honourable William Morris to the Commission, bearing date at Perth, 23rd July, 1840,† accompanied with a Report made by Mr. Morris to the Trustees of Queen's College, of an arrangement which was entered into with him, by the Honourable R. B. Sullivan, President of the Executive Council, and approved of by His Excellency the Lieutenant Governor, for the surrender by our Church of all claim to a Theological Chair in King's College.

\*For reference to Doctor Urquhart, See page 229 of the Second Volume of this Documentary History.

† No copy of this Letter is available.

‡ See pages 93-95 of this Volume, *ante*.



upon condition of the payment by His Excellency from the funds of that University of One Thousand pounds, (£1,000,) Provincial currency per annum, to endow a Divinity Chair in Queen's College, at Kingston.

II. Copy of Letter from the Honourable William Morris to Mr. Secretary Harrison, bearing date at Perth, 27th May, 1840, (See page 93, *ante*,) communicating to His Excellency the Lieutenant Governor the substance of the Report made by Mr. Morris to the Trustees of Queen's College, in so far as the aforesaid arrangement with His Excellency and Mr. Sullivan is concerned, together with a copy of Mr. Harrison's reply to said Letter, bearing date at Government House, Toronto, 14th July, 1840, (See page 96, *ante*,) intimating that His Excellency the Lieutenant Governor regards the arrangement aforesaid as still entirely open, in so far as the amount to be granted from the funds of King's College is concerned.

III. Extracts of two Letters from the Honourable William Morris, addressed to the Reverend Robert McGill, and communicated by him, for the information of the Commission, bearing date respectively at Perth, 15th September, 1840, and at Brockville, 2nd October, 1840,\* in which Mr. Morris reasserts the positive nature of the arrangement, in regard to the amount of One Thousand pounds, (£1,000,) to be granted from the funds of King's College, according to the Report before specified, to the Trustees of Queen's College.

The Commission having maturely considered the foregoing Documents, it was

*Resolved*, (1) That they regard it as a matter of deep regret that any degree of uncertainty should now be found to attach to the arrangement in question, and, on a point of so much importance, especially after it has been communicated to the Parent Church, and to the Synod, as having been virtually and finally, though not formally, adjusted and concluded.

(2) That they continue to consider the annual payment of One Thousand pounds, (£1,000,) from the funds of King's College, in satisfaction of all claim on the part of the Church of Scotland, for the institution of a Professorship of Divinity in King's College, according to the Faith and Discipline of that Church, as, by no means, an extravagant compensation for the various advantages which will be relinquished in consideration thereof.

The Commission, moreover, entertaining the utmost confidence in the reiterated statements of the Honourable William Morris, in regard to the matter, and at the same time, not doubting the disposition of the Government, to fulfil every reasonable expectation and claim, on behalf of Queen's College,—appoint the (Reverend Hugh Urquhart), Moderator, to transmit a copy of this Minute to His Excellency the Lieutenant Governor, and to enter into such farther communication with the Government as may be necessary for the early and final arrangement of the matter in question; in order that, if it should unhappily appear, that the original terms of compensation are not to be fulfilled, the necessary steps may be taken to secure the interests of the Church by the repeal of the clause in the Act incorporating Queen's College, respecting the equivalent to be given in satisfaction of the aforesaid claim on King's College."

NOTE by the Reverend Doctor Bell :—There is no mention of a Report having been received from the Committee named in the first extract, (8th July, 1840), at the Meeting of the 7th October, 1840.

On the 7th of November, Mr. James Hopkirk, Assistant Secretary, West, replied to Doctor Urquhart's Letter, enclosing the foregoing Minute :—

I have the honour, in Mr. Harrison's absence, to acknowledge the receipt of your Letter of 21st ultimo, transmitting a copy of a Minute of the Meeting of the Commission of the Synod of the Presbyterian Church, in connection with the Church of Scotland, held on the 7th ultimo, on the subject of the compensation claimed by the Church of Scotland from the funds of King's College, on account of the Theological Chair, (in Queen's College), which I have laid before the Lieutenant Governor.

In reply, I am commanded to acquaint you, for the information of the Commission of Synod, that His Excellency regrets that any misapprehension should have arisen between the Government and the Trustees of Queen's College, in regard to the arrangement which was entered into on this subject.

When the Honourable William Morris, in a Letter, dated the 27th of May last,† brought the matter under His Excellency's notice, and stated it, as having been finally arranged between himself and Mr. Sullivan, that an allowance of One Thousand pounds, (£1,000,) should be made from the funds of King's College, on account of the surrender, by the Church of Scotland, of all claim to a Theological Chair therein, His Excellency not having been in the administration of the Government at the time, and not being aware of the precise terms of the arrangement, effected, directed Mr. Sullivan to be written to on the subject, and he also himself brought the

matter under the Governor General's consideration, that he might be made acquainted with the arrangement which had been entered into. I am now, by His Excellency's desire, to transmit to you, for the information of the Commission of the Synod, copies of the Correspondence on the subject, between His Excellency and the Governor General, and between the Civil, (*i.e.* Provincial) Secretary and Mr. Sullivan, (see pages 93-97, *ante*), by which it will be seen that the precise amount of the allowance to be made appears to have been left undetermined.

I am only to add that the Lieutenant Governor feels assured that His Excellency the Governor General will give the subject every consideration, in order to a final adjustment of the question.

JAMES HOPKIRK.

TORONTO, 7th of November, 1840.

On the 12th of November, 1840, Sir George Arthur, the Lieutenant Governor, again addressed a Communication to the Governor General on the subject of the endowment of a Chair of Theology in Queen's College from the funds of King's College. (No copy of this Communication is contained in the Records of the Trustees of Queen's College.) In reply, Lord Sydenham wrote as follows to Sir George Arthur, under date of the 20th of November, 1840 :—

My Dear Sir George,—

I have had the honour of receiving your Excellency's Despatch of the 12th instant, with its enclosures.

I can take no other view of the question of the amount of the sum to be awarded to Queen's College than that with which I have already acquainted your Excellency,—namely that the amount is to be fixed by the Governor, unfettered by any supposed understanding with respect to it ; for, if not, why was not the amount fixed in the Act, by which the Governor would have been relieved from this disagreeable duty ; and next, that with regard to what amount I should assign, if called upon to do so, I am of opinion, that all that can be accorded is such a sum as would have been probably given to pay for the Chair of a Professor in King's College, to the establishment of which, a claim is made by the Scotch Church. Your Excellency will, however, have learnt from my Letter of the 10th instant\* that very serious objections are entertained by Her Majesty's Government to the confirmation of the Act incorporating Queen's College, on the score of any payment whatever being made from the funds of King's College ; and, although, I should have been prepared to recommend its being done,—supposing the information for which I applied to you on the nature of the claim of the Scotch Church to a Theological Chair in King's College was satisfactory,—I shall not now take any steps for doing so, after the Communication made from the Reverend Alexander Gale,\* or, until I clearly understand that, in the event of the Act being confirmed, the Synod will be satisfied with the award of such compensation as may be fixed by the Governor, acting on the principle which I have stated above, for, if they are not, the objects which it appears the Synod contemplate, namely, the repeal of that clause in the Act, they may be best and most effectually secured by the Act itself not taking effect at all, thus leaving both parties at liberty.

I shall, therefore, take no steps to prevent the disallowance of the Act, even if the information I receive from you on the other points be satisfactory, until I can receive the decision of the Synod, for which purpose I would beg your Excellency to be good enough to communicate with that Body.

SYDENHAM.

MONTREAL, 20th of November, 1840.

The Governor General again wrote to Sir George Arthur on this subject, in a Despatch, dated the 27th of November, 1840, (see page 79, *ante*), as follows :—

If the pecuniary concerns of the [Queen's College] require any Legislative provision, that will have to be effected hereafter, by a fresh Act of the Legislature. This will render any arrangement, with respect to the allotment of Funds from King's College, [as provided for in the fifteenth and last Section of the disallowed Canadian Incorporation Act] unnecessary at present ; and the matter will remain open for discussion, whenever any Legislative provision of the kind shall be applied for.

\*No copy of this Letter is entered in the Records of the Trustees of Queen's College.

In a Despatch from Lord John Russell, Colonial Secretary, to the Governor General, Lord Sydenham, dated the 8th of December, 1840, he said :—

I see no objection to the establishment of a Theological Professorship for the University [of Queen's College], provided no portion of the funds of King's College be directed to that object.

NOTE. A copy of this Despatch was communicated by Mr. T. W. C. Murdoch, Chief Secretary, to the Honourable William Morris. (See page 81, *ante*.)

The following is a copy of a Communication, written by the Reverend Doctor Hugh Urquhart to the Honourable William Morris, on the 9th of December, 1840 :—

I had just prepared, and was ready, to transmit to you by the next mail, a copy of a long Correspondence, consequent upon and relative to the Resolution passed at the last Meeting of the Commission of Synod, on the subject of our Theological Chair, and a copy of which I had the pleasure of sending you on the 26th of October last, when I received your Letter of the 3rd instant, with the prefixed communication from Mr. Gillespie. (See page 98, *ante*).

I now find that it is altogether unnecessary to trouble you with all that I had prepared, and I satisfy myself with sending you the prefixed copy of the last Letter in the Correspondence, which bears the burden of all the rest, and which, while it prepared me to receive, with more composure and less surprise, the intelligence you communicate, may, at the same time, if it does not give you any new light on what has occurred, at least be interesting to you, as bearing the views of our Governor on your favourite clause. I have just prepared a Communication for the Government Office, communicating the intelligence you have given me, and sending them, at the same time, a copy of Mr. Vernon Smith's Letter. I assume the present state of matters as a ground for the suspension of all further deliberations on the subject of the Theological Chair, and as rendering all reference to the Synod on the subject unnecessary. I may mention that an immediate reference to the Synod was desired by the Lieutenant Governor. The position of things is indeed discouraging and perplexing, though not desperate, let us ask, and wait for, the Wisdom that will deliver and guide us safely through.

H. URQUHART.

CORNWALL, 9th of December, 1840.

On receipt of this Correspondence from the Reverend Doctor Urquhart, the Honourable William Morris addressed the following Communication to His Excellency Lord Sydenham, Governor-General, dated the 23rd of December, 1840 :—

By last mail I received from the Reverend Hugh Urquhart, Moderator of the Synod of Canada, a copy of the Correspondence which has passed between that Gentleman and His Excellency the Lieutenant Governor, respecting the proposed allowance from the funds of King's College, in lieu of all claim on the part of the Church of Scotland to a Theological Chair in that University, and, as I discover, by several of the Documents, that the true nature of the arrangement which I made with the Honourable R. B. Sullivan, is not properly understood, I owe it to myself, with your Lordship's permission, to explain what really did take place.

When the Legislative Council first went into Committee on the Queen's College Bill, Mr. Sullivan, [on the part of the Government], objected to the clause which authorized the Trustees to apply a portion of the funds of the Institution to the sustentation of students in Divinity of the Church of Scotland attending the Lectures (in King's College) of the Theological Professor of that Church; and he enquired of me, "whether it would not be more satisfactory to the Members of the Church of Scotland to have their Divinity Chair in Queen's College, and to receive from the funds of King's College a sum of money in lieu thereof." I replied, that I thought it would. Several Members then expressed their approbation of such an arrangement, among whom was the Bishop (Doctor Strachan), who stated explicitly that he considered a pledge had been given by the Government to establish a Theological Professorship of the Church of Scotland in King's College, which, in honour, should be carried out.\* No conversation took place, and no opinions were given as to the value of that Professorship. But the

\*The only statement on this subject, which might be considered as a pledge, on the part of the Imperial Government is that which is referred to in the Letter of the Honourable William Morris to Lord Glenelg, dated the 13th of July, 1837, as follows: "I am happy to learn that Your Lordship will direct Sir Francis B. Head to convey to the Council of King's College the strong recommendation of Her Majesty's Government that a Theological Professorship should be forthwith provided for the Church of Scotland." (Page 285 of the Third Volume of this Documentary History.)



Committee rose, in order to enable Mr. Sullivan and myself to negotiate respecting it. Mr. Sullivan and I met, no third person present, and he asked me what I thought would satisfy our people, as an equivalent for our claim to a Chair in King's College ; I replied that I would turn the subject over in my mind a short time, and give him an answer, but that I understood the endowment of a Professorship to include other charges besides the mere salary of the Professor ; —he said, undoubtedly. Next day, I saw Mr. Sullivan in the House, and I informed him that, although I had no authority from the Church of Scotland to make any arrangement on the subject, I would nevertheless assume the responsibility of surrendering the claim, on condition of receiving from the funds of King's College the sum of One Thousand pounds, (£1,000), currency per annum. He remarked that he thought the amount not unreasonable ; and that after submitting the proposition (to the Government) he would see me again. With whom he had to consult he did not inform me, and so we parted. On the following morning, before the business of the Legislative Council commenced, Mr. Sullivan came to me and gave me to understand that my proposal would be satisfactory, and that I might alter the clause in the Bill. To this I objected, and said he must prepare the clause, and, in his place, propose it in lieu of mine ; he consented, and sat down at the Table and wrote with pencil a clause which, in a few minutes, he handed to me saying, "will that do?" I answered, "yes," but I said, "you have not mentioned the sum." He said : "It is better not, for, if it is inserted, it will create opposition to the clause ; and there will be no difficulty in managing it afterwards. It is, therefore, better to leave it to the Executive." In the course of the day, the College Bill was again in Committee, and Mr. Sullivan proposed the clause which he had written and I consented that mine should be stricken out. The Bishop opposed this,—saying that he liked Mr. Morris's clause better than Mr. Sullivan's. But if a surrender (of the claim) do take place, the sum to be allowed from the funds of King's College, to endow a Professorship for the Church of Scotland, should be paid to the Synod, and not to the Trustees of Queen's College ; this new difficulty induced the Committee to rise again without making any progress.

Next day, the Committee resumed, when the Bishop came to me at the Table, and, without explaining why he had altered his opinion, said, "you had better take Mr. Sullivan's clause," I replied, "that it is my intention;" the clause was then adopted instead of mine, and the Committee reported the Bill to the Council.

The foregoing is a plain statement of the facts, just as they occurred. Mr. Sullivan did not tell me whose advice he sought ; but I naturally supposed that it was either that of your Lordship, or of His Excellency the Lieutenant Governor, or both, I had a right to believe that the sum of money I stipulated for was mentioned to the Head of the Government, and, had Mr. Sullivan informed me that he had not done so, I could not have assented to any arrangement. I was, therefore, surprised to notice, in his Letter to Mr. Secretary Harrison, of the 8th of June, 1840, an acknowledgment that he did not, however, state this amount to His Excellency the Governor General, (or to the Lieutenant Governor). In the last paragraph of Mr. Sullivan's Letter are these words : "but Mr. Morris is evidently under the conviction that he mentioned a sum to the Governor General." This is certainly a misapprehension on the part of Mr. Sullivan, occasioned perhaps, by reading my Letter to Mr. Harrison of the 27th of May (see page 93, *ante*), in which I refer to a conversation which His Excellency the Lieutenant-Governor held with me on the subject ; for your Lordship must be well aware that I never at any time spoke to you respecting the arrangement with Mr. Sullivan. Nothing was ever said in the Legislative Council by any one, during the debates on the Bill, as to the amount of compensation to be made for the surrender by the Church of Scotland of her claim to a Theological Chair in King's College, nor did the Bishop either publicly, or privately, on those occasions, as far as I know, give any opinion on the subject. The negotiation was conducted by Mr. Sullivan and myself, without the intervention of any one.

I thought it proper to make your Lordship acquainted with my understanding of the whole transaction, and of the desire which I expressed, that the sum agreed upon should be inserted in the clause, especially as the circumstance of its omission appears to your Lordship as presumptive proof that misapprehension existed on my part. And now, I may say to your Lordship in conclusion, that, although I felt deep regret, when I learned that, owing to informality, the Provincial Act incorporating Queen's College would be disallowed ; yet, when the unpleasant nature of this misunderstanding is considered, I cannot say but it is perhaps fortunate that the parties interested in the old arrangement are thus set free to enter upon a new arrangement.

W. MORRIS.

PERTH, 23rd of December, 1840.

On the 4th of January, 1841, this Letter was acknowledged by Mr. T. W. C. Murdoch, Chief Secretary, as follows :—

I am directed by the Governor-General to acknowledge, and to thank you, for your letter of 23rd ultimo, respecting the proposed allowance from the funds of King's College, in lieu of all claims by the Church of Scotland to a Theological Chair in that University.

His Excellency desires me to say that it seems to him to be unnecessary now to enter upon the question of the amount of the allowance, which appears clearly to have been the subject of a misunderstanding. The Bill, having been disallowed, the matter must, if any future arrangement be sought regarding it, be entered upon entirely *de novo*. His Excellency, however, directs me to take this opportunity of observing that Her Majesty's Government at Home are very much opposed to any allowance of the kind.

T. W. C. MURDOCH.

MONTREAL, 4th of January, 1841,

In a Memorandum prepared by Mr. Alexander Gillespie, Agent in London of the Trustees of Queen's College, and sent to the Colonial Office, on the 19th of August, 1841, and also a copy of it to the Honourable William Morris, on the same day, he says:—

Mr. Vernon Smith [of the Colonial Office] suggested that the Draft Charter . . . having been approved by the Governor General, it was desirable, with a view to avoid the delay of another reference to Canada, that the terms of the new Draft Charter should agree as much as possible, with those of the former Instruments, omitting however, the passage relative to the proposed endowment, from the public funds, of the Theological Professorship.

#### REASONS WHY THE CLAIM OF THE CHURCH OF SCOTLAND FOR A THEOLOGICAL PROFESSORSHIP WAS ADMITTED, AND WHY IT FINALLY FAILED.

In reviewing all the circumstances of the case connected with the "claim" of the Church of Scotland to an endowment out of the funds of King's College for a Theological Professorship, it is not difficult to understand why such a "claim" was acknowledged as just, so long as a similar claim of the Church of England was specifically provided for in the Royal Charter of King's College. The difficulty is, however, to understand why such exclusive claims should have been recognized at all, and that too for only two of the many Churches in Upper Canada at the time, while the equal rights of all the other Churches to a share in the endowment of King's College for Theological education was altogether ignored.\*

The anomaly may be accounted for in this way: During the prolonged discussions on the Clergy Reserve question, the right of the Church of Scotland, as one of the Established Churches of the Empire, to an equal status with the Church of England, was asserted and admitted; hence followed her right, equally with the Church of England, to a Professorship of Theology in the Provincially-endowed Church of England University of King's College, or failing such Professorship, an equivalent therefor.

This coequal right, with the Church of England, to a Theological Professorship in the Provincial University, was acknowledged, as far back as 1828,—the year after that in which the Royal Charter to King's College was granted. In that year, a special Committee of the Imperial House of Commons recommended that Professorships of the Churches of England and Scotland should be established in King's College. A similar recommendation was made by Lord Glenelg, in a Despatch, which he sent to Sir Francis Bond Head in July, 1837. (See page 100, *ante*).

This recommendation was concurred in by the Legislative Council in that same year, 1837, when the Charter of King's College was amended. It was,

\* In addition to two or more branches of Methodism in Upper Canada, there were, as shown in Doctor Gregg's "History of Presbyterianism in Canada," as many, if not more, branches of Presbyterianism in the Provinces,—in addition to the Church of Scotland. There were also Baptists and Congregationalists and other Bodies of Christians in the Province at the time.

however, not embodied in the College Charter amendment Statute of 1837, but it took practical shape in the Statute of 1840, incorporating Queen's College, which provided for it as follows:—

XV. And be it further enacted, etcetera, That so soon as the University of King's College, and the Queen's College hereby instituted, shall be in actual operation, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to authorize and direct the payment from the Funds of the said University of King's College, in aid of the Funds of the College hereby instituted, of such yearly sum, as to him shall seem just for the purposes of sustaining a Theological Professorship therein, and in satisfaction of all claim on the part of the Church of Scotland for the institution of a Professorship of Divinity in the University of King's College, according to the Faith and Discipline of the Church of Scotland.

Had this Statute been allowed to remain in force, the endowment of the Theological Professorship in Queen's would have been secured to the Trustees, but, as has been shown, they petitioned the Queen to have a Royal Charter superadded to it, which could not be done, so it was disallowed, as reported to that effect, by the Law Officers of the Crown. See page 80, *ante*.

With the disallowance of the Statute itself, was also disallowed the section in it providing for the endowment of a Theological Professor in Queen's College. When appealed to to incorporate the provisions of this section of the disallowed Statute in the Royal Charter, the Colonial Secretary, Lord John Russell, refused to do so, but stated, as advised by the Law Officers of the Crown, that it would be competent (for the Canadian Legislature), after the Charter was granted, to authorize the payment of a Theological Professor in Queen's College.

After the surrender, by the Imperial Government, in 1840, of the Casual and Territorial Revenue to the Canadian Legislature, in exchange for the "Civil List" appropriation, the Imperial Government ceased to make any grants out of the Canadian revenue. This was, no doubt, a reason why the Law Officers of the Crown declined to comply with the request of the Trustees of Queen's College to make provision in the Royal Charter for the Theological Professorship, the Canadian Legislature having then absolute and complete control over the Provincial revenue, and the funds of King's College.

#### REVIEW OF THE WHOLE CASE BY THE QUEEN'S COLLEGE TRUSTEES IN 1846.

The House of Assembly in April, 1846, moved for certain Correspondence in regard to King's College, which was laid before that House in the following May. Amongst that Correspondence was a "Statement by the Board of Trustees of Queen's College . . . on the position of the Church of Scotland in Canada in reference to King's College at Toronto."

In this "Statement," the Trustees give an historical review of their proceedings during the years 1840 and 1841, in applying for a Royal Charter, and in seeking to establish a claim, on behalf of the Church of Scotland in Canada, to a share of the endowment of King's College, for the establishment of a Theological



Professorship in Queen's College. Those portions of the "Statement" of the Trustees of Queen's College, which refer to these two subjects, are given by them as follows:—

In order that, not only the views of Queen's College, but the position of the Church of Scotland in Canada, in reference to King's College at Toronto, may be understood, it may not be unnecessary to state :

1. That, although the original Charter of King's College was granted in 1827, the College was not opened until 1843.

2. That, immediately on the character of the Charter being known in Canada, the most wide-spread dissatisfaction was expressed, on account of its exclusiveness.

3. That, in their Report on the Civil Government of Canada in 1828, the Select Committee of the House of Commons advised a "change in the Constitution of the College Council," and that "a Theological Professorship of the Church of Scotland should be established, in addition to that for the Church of England." \*

4. That the Members of the Church of Scotland, in common with the whole population of Canada, did not, until 1837, see any amendments made in the Charter of King's College, although, during the period of ten years the most urgent representations were addressed to the College Council to that effect, by the authorities, not only in Canada, but in Britain.

5. That, in the hope, however, that the requisite alterations upon the Charter would be effected, the Members of the Church of Scotland refrained from taking any steps to originate an Institution for the purpose of educating Candidates for the Ministry until the year 1836, when initiatory measures were adopted with the view of establishing merely a Theological Seminary.

6. That, after several years more has elapsed, and nothing was done to put King's College in operation, even under the amended Charter, the Members of the Church of Scotland felt themselves constrained to use efforts to provide, not merely for supplying a Theological, but also a University, Education, which the Church of Scotland holds to be indispensable, before students are admitted to the study of Theology.

7. That, in 1840, a Provincial Act was passed, establishing a "University at Kingston," for the purpose of affording such an education as was deemed requisite, and which many began to despair of seeing furnished by King's College at Toronto, which had been publicly endowed in 1827, for the very purpose of affording a University Education to such as might desire it.

8. That the said Provincial Act was disallowed, in consequence of the Trustees having applied to the Crown for a Royal Charter, with the altered designation of "Queen's College," the Law Officers of the Crown in England having expressed their opinion as follows, on the point: whether the asked for Charter could be superinduced on the already passed Act of the Provincial Legislature?

That "the Act already passed may, in point of Law, be confirmed by Her Majesty, but the proposed Charter could not be superinduced upon it." That "the Act, having received the Royal Assent, has the force of law in Upper Canada, and is binding on the Crown; and that the only mode seems to be to disallow the Act, and to grant a new Charter, framed as the original Incorporation and foundation of the Institution."

This Opinion was expressed in the end of 1840; and, in 1841, a Royal Charter was obtained, establishing Queen's College as a University; under which Charter the Trustees are now acting.

As appears from part of a quotation already made, the Select Committee of the House of Commons in 1828, advised

"That a Theological Professorship of the Church of Scotland should be established in King's College, in addition to that for the Church of England."†

In January, 1837, when the amendments on the original Charter of King's College were under consideration, by of the Legislature in Canada, the Select Committee of the Legislative Council, to whom was referred the Bill sent up from the House of Assembly, amongst other things, reported as follows: "Your Committee, in order to reconcile all interests, felt inclined to propose that a Theological Professorship of the Church of Scotland should be placed on the foundation,

\* This quotation from the Report of the Select Committee of the Imperial Parliament gives the substance, but not the *ipsissima verba*, of the extract from the Report on this subject. The Committee say that they are desirous of stating their opinion that great benefit would accrue to the Province by changing the Constitution of this Body, (the College Council), they think that two Theological Professors should be established, one of the Church of England and another of the Church of Scotland." (See page 254 of the First Volume of this Documentary History.

† These are not the exact words of the extract from the Report of the Select Committee of the Imperial House of Commons on the subject, but they are given in the note above.

as suggested by the Select Committee of the House of Commons in 1828, but, on further examination, it was found that the College Council has full power to do this without special enactment. Your Committee, therefore, think it sufficient to recommend it to be done as soon after the College is put in operation, as may be convenient."

And the same point is referred to in a Communication addressed by Sir George Grey to the Honourable William Morris, of date of the 1st July, 1837, in the following terms :

"Lord Glenelg will direct Sir F. B. Head to convey to the Council of King's College, the strong recommendation of Her Majesty's Government that a Theological Professorship, in accordance with the Doctrines of the Church of Scotland, should be forthwith established."\*

And in 1840, when, for the urgent reasons before mentioned, the Members of the Church of Scotland in Canada procured an Act to be passed, establishing the "University at Kingston," the last enacting clause of that Act was found to run thus :

"That so soon as the University of King's College, and the Queen's College, hereby instituted, shall be in actual operation, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to authorize and direct the payment, from the funds of said University of King's College, in aid of the funds of the Queen's College, hereby instituted, of such yearly sum as shall to him seem just, for the purpose of sustaining a Theological Professorship therein and in satisfaction of all claim, on the part of the Church of Scotland, for the institution of a Professorship of Divinity in the University of King's College according to the Faith and Discipline, of the Church of Scotland."

Although the Provincial Act was disallowed by Her Majesty, for the reasons specified in a previous part of this Statement, in which the Opinion of Her Majesty's Law Officers is quoted, yet most assuredly the spirit and design of this last clause of it were not interfered with,† as is evident from one of the sentences of that very opinion. That sentence is as follows :

"If any Legislative enactment, respecting the funds of the University, should be necessary, this may follow upon the Charter."

Which statement, regarding the funds of the University of Queen's College, is repeated in the Despatch of Lord John Russell to the Governor General, to whom the Opinion of the Law Officers of the Crown respecting Queen's College was transmitted.‡

But not only has there been a Provincial enactment, sustained by a specific mention from London, by Earl Grey to Sir F. B. Head, both on the part of the Law Officers of the Crown, and Her Majesty's Principal and Under Secretaries of the State for the Colonies, that there should be an annual payment from the funds of King's College to Queen's College, but there is abundant and satisfactory evidence to prove, that, by parties representing the Government in Canada,§ King's College, and Queen's College, respectively, specified the sum to be obtained by Queen's from the funds of King's College was a thousand pounds, (£1,000), per annum.

Although, however, the facts are as now stated, and although there has been, for the last three years, a Theological Professor in connection with the Church of England in King's College, neither the Government, nor the Council of King's College, has done anything in reference to a subject, on which the Imperial Government has made the strongest representations, and which has also been matter of negotiation on the part of the authorities of King's College, with the friends of Queen's College. . . .

The strong expressions, which are used in the latter part of this "Statement" of the Trustees of Queen's College, are scarcely borne out by the facts of the case.

\* No copy of this Communication is contained in the Records of the Trustees of Queen's College.

† It was, of course, not in the power of the Law Officers of the Crown to "interfere" with the action of the Government in disallowing the Provincial Act incorporating Queen's College, nor to except it from the affect of the disallowance of the whole Act, including this financial fifteenth and last Section of it. Nor could these Law Officers, without the consent of the Colonial Secretary, Lord John Russell, embody the provisions of this disallowed fifteenth Section of the Act in the Draft Charter, which was submitted to them for their revision and approval. What these Law Officers did say, in regard to this matter, is given above. But they could only make reference in their Opinion, as quoted above to the prospective action of the Provincial, and not to that of the Imperial, Legislature.

‡ Lord John Russell, as intimated, on page 80, *ante*, merely quoted the words of the Law Officers of the Crown. He does not make them his own, but gives them as a matter of information to the Trustees of Queen's College.

§ The Honourable Robert B. Sullivan, President of the Executive Council at the time, and, as such, representing the Canadian Government, expressly repudiated any such agreement on his part, or on that of the Government. See page 94, *ante*.

The Trustees state that the "enactment" of the fifteenth Section of the disallowed Act, (making a grant to Queen's College for a Theological Professorship) was—

"Sustained by a specific mention from London, both on the part of the Law Officers of the Crown, and of Her Majesty's Principal and Under Secretaries of State for the Colonies, that there should be an annual payment from the funds of King's College to Queen's College." . . .

The simple facts are, that Lord Glenelg, in a communication to the Honourable William Morris, in July, 1837, stated that he would direct the Lieutenant Governor to "convey to the Council of King's College the strong recommendation of Her Majesty's Government, that a Theological Professorship, (page 100 of this Volume, *ante*,) should be forthwith provided for the Church of Scotland." This recommendation was made, not to the Legislature, which could, (and did, in 1840,) make the proposed grant, but to King's College Council, which, of course, would have the option of complying with it, or not, at its pleasure. Then, as already pointed out, the Law Officers of the Crown did not "sustain" the disallowed enactment. They merely stated that, "if any Legislative enactment should be necessary, this may follow upon the Charter,"—that is, that such an enactment could be made by the Canadian Legislature, if it saw fit to do so, after the issue of the Charter. This is expressly stated by the Governor-General in his Letter to Sir George Arthur, on page 99, *ante*.

Further, the Trustees, in their statement, say that :

There is abundant and satisfactory evidence to prove that by parties representing the Government in Canada, King's College and Queen's College respectively specified the sum to be obtained by Queen's College from the funds of King's College was One Thousand pounds, (£1,000), per annum.

It will be seen, from the correspondence inserted on pages 93-102, *ante*, that, except the Honourable Robert B. Sullivan, representing the Government, and the Honourable William Morris, representing Queen's College no one else, (except as disclosed in the correspondence), knew of the proposal made by the latter to the former, to grant Queen's College One Thousand pounds, (£1,000), per annum in lieu of a Presbyterian Professor of Theology in King's College. The Lieutenant Governor and the Governor General both state that they knew nothing of any such financial agreement, or understanding : and Mr. Morris expressly states, in his letter to the Governor General of the 23rd of December, 1840, page 100, *ante*, that no one was present at his conference with Mr. Sullivan on the subject. Mr. Morris mentioned the sum which he deemed as a sufficient equivalent for surrendering the claim, but there is nothing in the foregoing correspondence, or in any of the Documents connected therewith, to show that "parties representing the Government in Canada," or representing "King's College," ever specified [that] the sum to be obtained by Queen's College from the funds of King's College was to be One Thousand pounds (£1,000,) per annum."



In Sir George Arthur's Letter to the Governor General, of the 24th of June, (page 95 of this Volume,) he says:—

From Mr. Sullivan's Report, Your Excellency will observe that that Gentleman does not concur in what appears to be Mr. Morris' impression, that the sum of One Thousand pounds, (£1,000,) was the amount determined upon for the surrender of the Theological Chair. . . . [The Bishop of Toronto's impression] is that the intention was to give a salary of Five Hundred pounds, (£500,) a year to a Professor.

In the reply, dated the 2nd of July, 1840, (same page,) to the foregoing Letter, the Governor General said:—

I never entered into the consideration of the sum to be awarded . . . Looking to the scale of Professors' Salaries generally an allowance of Three, or Four, Hundred pounds, (£300 or £400,) a year ought to be considered ample . . .

No one, therefore, except the Honourable William Morris appears to have mentioned the sum of One Thousand pounds, (£1,000,) per annum. as an equivalent "for the surrender of the Theological Chair."

#### LORD JOHN RUSSELL'S REVIEW OF THE CLAIM OF QUEEN'S COLLEGE TO A PORTION OF THE REVENUE OF KING'S COLLEGE FOR A THEOLOGICAL PROFESSORSHIP.

In a Despatch from Lord John Russell, Secretary of State for the Colonies, to Lord Sydenham, dated the 12th of October, 1840,—an extract from which was laid before the House of Assembly on the 27th of March, 1845,—the Colonial Secretary thus expresses himself in regard to the claim of the promoters of Queen's College to a portion of the funds of King's College for the maintenance of a Theological Professorship in the Queen's College. Speaking of the Act for incorporating "the University of Kingston," he said that this Act—

Established at Kingston a University which is to be exclusively of the Scotch Presbyterian persuasion. All the governing body must belong to that Church, and they must all avow their adherence to the Confession of Westminster.

If this College were to be maintained by the private funds of the founders alone, the exclusiveness of their religious opinions would be a matter of no importance. But this is not the case. The Act proposes that the Governor should be authorized to take from the Funds of King's College a sum adequate to the maintenance, at the College at Kingston, of a Theological Professorship, which payment is to be received by the Church of Scotland, as a satisfaction of the claims of that Church to have a Theological Professor of their own maintained at King's College. This, therefore, is a distinct avowal of the principle that the Funds of King's College are to be applied, not for the purposes of Education in which the members of every Christian Society can participate; but for purposes of Education, from which many Christians must necessarily be excluded.

If this Act be sanctioned, I am not aware how it will be possible to refuse a corresponding advantage to the members of any other Christian Church [in Canada], by which a separate College, or University, might be established. Thus the Funds of King's College, instead of being appropriated to purposes, in which all the inhabitants would be equally interested, must be drained for the support of Chairs of Theology in as many different Universities as may be founded in Upper Canada.

Now the principle for which the House of Assembly of that Province have so earnestly contended is directly opposed to such an employment of the Funds; the House has invariably maintained that they should be sacred to purposes of General Education in the Higher branches of Literature and Science, for the common benefit of Society at large. \*

The establishment of a Professorship of Theology, in connection with the Church of England, was deprecated as an infringement of this principle. Is it less infringed by providing for such Professorship in connection with the Church of Scotland? If this step be taken, I do not perceive how the benefit of the precedent could be refused to Roman Catholics, to the Wesleyan Methodists, or, indeed, to any other of the Sects which divide between them the population of

Upper Canada. If all are thus to be aided in disseminating their peculiar views of Christianity, the Government would speedily be involved in certain polenical questions of Theology, into which it is, on every account, most undesirable that the secular power should, in any manner, engage.

I am the more impressed with the importance of maturely considering this measure, because, when I refer to the Charter of King's College, it is impossible not to perceive that the design of its authors was to secure the predominance in that Body of the Church of England. It may have been inevitable that this design should be frustrated by the resistance of the popular branch of the Legislature, supported, as it was, by public opinion. But, if the Church of England has been refused the means of carrying this Charter into effect, according to the obvious design of it, it would seem indefensible to give to another Church the very privilege which has been practically denied to the Church of England; and to maintain the principle exclusiveness, at the expense of King's College, at the very moment when the operations of the College have been defeated, because its Constitution embraces that principle. If the Church of England is not to possess privileges to the disadvantage of other Churches, it must, at least, follow that other Churches should not possess privileges to her disadvantage.

In deference, however, to your Lordship's apparent approbation of this Law. Her Majesty's decision on it will be withheld, until I shall be in possession of your views on the subject, and your answer to the preceding remarks. Some facts may have escaped my attention, upon which you have relied in forming your judgment.

DOWNING STREET, LONDON, 12th of October, 1840.

J. RUSSELL.

A further Despatch sent to the Governor General by Lord John Russell, and dated the 4th of November, 1840, bears internal evidence that it was written in reply to one from Lord Sydenham,—although there is no intimation that it was so written; nor is the extract from it, as given above, entered in the Records of the Trustees of Queen's College. In that Despatch, however, Lord John Russell says:—

The Provincial Act [incorporating Queen's College] will be disallowed, and a fresh Charter will be prepared. In framing it, I have directed Mr. Gillespie, Agent [in London] of the Trustees, to adhere as closely as possible to the terms of the Draft approved by you, as well as those of the Provincial Act,—ommitting, however, the provision for the endowment, out of the public Funds [of King's College], of a Theological Professorship.

Any Legislative enactment which may be required respecting the funds of the University may follow upon the issue of the Charter.

NOTE This paragraph is a transcript of that contained in the Opinion of the Law Officers of the Crown, on the disallowance of the Queen's College Incorporation Act of the Provincial Legislature, and the issue, in its place, of a Royal Charter.

In making application to the Government for a grant in aid of Victoria College in 1842, Doctor Ryerson based his request on the ground that,—

When an essentially orthodox Church in the Province possesses sufficient influence and means, and has put forth the requisite exertions, to bring such an Institution into operation, the Government cannot more effectually promote its own moral influence, or advance academical education in the Country than by liberally supporting it. It cannot be drawn into an inconvenient precedent, as none but a numerous and enterprising Religious Body would, or could, furnish such an Establishment.

The Victoria College Charter must be in-operative without a grant. No such Institution can support itself. The Trustees and friends of the Upper Canada Academy have contributed about Three Hundred pounds, (£300), per annum, over and above the amount of Academy receipts, although the number of students, during the five years of its operations, has been considerably larger than that attending the Upper Canada College during the first five years of its operations.

The Honourable J. H. Dunn, in forwarding to Doctor Ryerson the grant of £500, made to Victoria College by the Legislature in 1842, said:—

I hope it is the commencement of more liberality towards an Institution, which has so long struggled to benefit the community of Upper Canada, without that support, which other institutions have so bountifully received at the hands of the Government.

## CHAPTER VII.

PROCEEDINGS AND CORRESPONDENCE IN REGARD TO THE  
INCORPORATION OF VICTORIA COLLEGE.

Early in July, 1841, the Trustees of the Upper Canada Academy, petitioned the Governor General, Lord Sydenham, and both Houses of Parliament, praying that the Academy might be incorporated as a College, with University powers, and also that it might receive an annual endowment of One Thousand pounds, (£1,000). The Petition to the Legislature was presented by Members to the respective Houses, and is inserted on pages 8 and 9, *ante*. That to His Excellency, Lord Sydenham, was acknowledged, in a Letter to the Reverend Doctor Ryerson, by Mr. James Hopkirk, Assistant Secretary, West, on the 6th of July, 1841, as follows:—

I have the honour, by command of the Governor General, to acknowledge the receipt of a Memorial, signed by yourself and nine other Gentlemen, composing the Board of Trustees of the Upper Canada Academy, Cobourg, praying that His Excellency will recommend the passing of an Act, incorporating that Institution into a College, under the name and title of "Victoria College," with similar privileges to those possessed by the "Queen's College," of the Presbyterian Church of Scotland, at Kingston, and to endow the same with the sum of One Thousand pounds, (£1,000), per annum.

KINGSTON, 6th of July, 1841.

JAMES HOPKIRK.

From this reply, Doctor Ryerson evidently felt that there was practically no response, on the part of the Governor General, to the request contained in the Memorial, thus formally acknowledged. Early in the month of July, 1841, therefore, he went to Kingston and called upon Lord Sydenham, with a view to explain to him fully and particularly the purpose and objects of the proposed College at Cobourg. It was then agreed that Doctor Ryerson should embody in a Letter, addressed to the Governor General himself, the facts and particulars, in regard to the College, which he had verbally communicated to His Excellency. This Doctor Ryerson did in a Letter, dated the 13th of July, 1841, as follows:

MAY IT PLEASE YOUR EXCELLENCY.

According to promise, I take the liberty to enclose to Your Excellency a copy of the Minutes of the last Wesleyan Conference in this Province, by glancing over which your Excellency will at once see the nature and extent of our work . . . and the reasonableness and importance of the application which have been made to Your Excellency for assistance to our proposed College.

I omitted to mention to your Excellency a high and most important object which we have determined to incorporate with the Academical Institution at Cobourg, if the requisite Legislative aid can be obtained, namely: the education of young men in Theology and Science, (for one, two or three years, as the case may require, and circumstance allow), of young men who, for their piety and talents, have been regularly recommended for the work of the Ministry. At the present time all such young men, while travelling on probation, before they are received into full connexion with the Ministry, are required to pursue a four years' course of study, embracing Theology, Ecclesiastical, Sacred, and Civil History—Natural and Moral Philosophy, Logic,



Rhetoric, etcetera, in which they are subject to an annual examination during these four years. But they labour under the greatest disadvantages in pursuing such a course of study in connection with extensive travels, and pulpit and pastoral engagements . . . and, although, they, by such persevering and laborious application, acquire sound and useful knowledge, they do not, in many instances, acquire the polish of scholars. It is, therefore, our determination, as far as possible, to make the entire Ministry of our Church as respectable for its scholarship, as it is for its natural talent, practical knowledge, and self-denying industry and enterprise.

Such an object, in addition to those contemplated by increasing the facilities of General Education for a large Christian Community, and affording the means of enabling each of our Ministers to educate their sons, will appear obvious to Your Excellency, without any further remark from me, and, especially, when viewed in relation to a ministry . . . which has been, far and wide, cultivating the moral wilderness of the Country, at a time when the more favoured Clergy of other Churches have been studying the Classics.

EGERTON RYERSON.

TORONTO, 12th of July, 1841.

At the time of applying for an Act of Incorporation for Victoria College, a number of suggestions on the subject were made to the Reverend Doctor Ryerson, by the Reverend Jesse B. Hurlburt, A.B., who was Acting Principal of Upper Canada Academy, Cobourg. These suggestions were embodied by Mr. Hurlburt in extracts from the following Letter to Doctor Ryerson, dated the 10th of July 1841 :

My first suggestion is in reference to the nature of the Charter of the College, and the powers of the Institution. An ordinary College Charter, as you are aware, properly refers solely to the literary department of an institution, empowering it to confer literary degrees only, that is, the degrees of A.B., and A.M.; but the same Charter might embrace all, or a part, of the learned professions. The Charter of the Wesleyan University at Middletown, Connecticut, embraces Divinity, Law and Medicine, . . . and the University can confer degrees in all of these departments. It is very possible that, if these were included in your Charter, it might prevent the passage of the Bill . . . as the Country may be thought too young for an Institution with these extensive powers.

Another particular, to which I would refer is, that the Act of Incorporation might be so framed that the Faculty of Instruction should have the nomination of any new Members to it, subject to their appointment by the Board of Trustees.

In the Wesleyan University at Middletown, the Faculty nominate any new Member, subject to the sanction of the Board of Trustees. You will see the importance of this arrangement : 1st, Were the nomination not left with the Faculty, persons unqualified to teach would be more likely to be introduced. 2nd, A Members of the Board might wish to introduce a relative, or particular friend, who might not be qualified for the Office. This could never be done with the provision above suggested.

For your convenience and information, I send, herewith, the following synopsis of the Charter of incorporation of the Wesleyan University at Middletown, Connecticut, with which my Brother Henry has furnished me.

JESSE HURLBURT.

COBOURG, 10th of July, 1841.

#### SYNOPSIS OF THE CHARTER OF THE WESLEYAN UNIVERSITY, MIDDLETOWN, CONNECTICUT.

After incorporating certain persons, the Charter provides that this incorporation is granted :

1. For the sole and exclusive purpose of establishing, organizing, maintaining and conducting a University, or Collegiate Institution, of as high an order as the said Corporation may deem fit and proper.

2. Such Corporation shall be, and is hereby made capable, in law, to purchase, have, hold, receive, possess and enjoy, estate real, personal and mixed, of every kind and nature whatsoever, to an amount not exceeding Two Hundred Thousand Dollars, (\$200,000,) exclusive of Collegiate Buildings, Libraries and Apparatus ; to sell, grant and dispose of the same . . . to have a Common Seal, etcetera . . .

3. The said Corporation shall have power to ordain, establish and execute such By-laws, Ordinances, Rules and Regulations, as to them shall seem necessary for the wise ordering and conducting the affairs of the Corporation, not being contrary to the laws of the United States, and of this State.

4. No By-law, or Ordinance, shall be established by the said Corporation which shall make the religious tenets of any person a condition of admission to any privilege in said University, or Collegiate Institution; and no President, or Professor, or any other Officer shall be made ineligible for, and by reason of any religious tenets that he may profess, for any position in the University, nor be compelled by any By-laws, or otherwise, to subscribe to any religious test whatever.

5. Nine Trustees of the Board, (hereby constituted), shall form a quorum for the transaction of business, except for the disposal of real estate, or for the election of Trustees; for either of which purposes there shall be at least a majority of the whole number of Trustees present.

6. There shall be a Board of Visitors, not exceeding thirty-nine, who, with the Board of Trustees, shall constitute a joint Board, and this joint Board shall elect the President. The Faculty, or a majority of its members, shall make Rules and Regulations for the internal government of the Institution, and shall prescribe the Course of Study therein.

7. The President shall confer Degrees upon any person, whom a majority of the Faculty, and the joint Board of Trustees and Visitors shall approve.

8. The design and intention of the Institution—of whatever nature they may be—shall not be defeated by any omission, or otherwise, in this Act.

9. The Estate belonging to the Middletown University shall be free from taxation; the Institution; and its Officers and Students shall enjoy the same exemption as has been granted to Yale College by the Legislature of this State.

Mr. George M. Boswell, M.P.P.\* who had taken an active part in promoting the interests of the Upper Canada Academy, having to absent himself from the House of Assembly, for the reasons mentioned, wrote the following Letter to the Reverend Doctor Ryerson, on the 4th of September, 1841:

I regret to inform you that my duties on Circuit render it necessary for me to leave the House of Assembly to night; and the Message from the Governor General, in respect to an endowment for Victoria College, not having yet been sent to the Legislature, I shall have no opportunity of giving it my support.

I have, however, spoken to the Honourable Samuel B. Harrison, (Provincial Secretary, West), particularly about it; and he will, I am sure, take care that it shall not be forgotten. The House has been for a long time engaged upon the subject of the Public Works, and the "Ways and Means" of carrying them on. This matter being nearly concluded, I suppose a supplementary Message, (in which aid to Victoria College will be introduced,) will soon be sent to the House.

GEORGE M. BOSWELL,

KINGSTON, 4th of September, 1841.

On receipt of this Letter, Dr. Ryerson addressed a Communication to the Honourable Samuel B. Harrison, Secretary, West, urging him, as a Member of the Government, to promote the prayer of the Petition of the Trustees of Victoria College, and personally to support the grant of Five Hundred pounds, (£500), to the Institution. He said:—

I regret to learn that Mr. G. M. Boswell has been compelled to leave Kingston, to attend to his professional duties as Queen's Counsel, on one of the Circuits. Mr. Boswell states that he had spoken to you on the subject of the grant to the Victoria College, and expresses his assurance that you would take care that it should not be forgotten.

Unwilling as I am to add anything to the burden of your numerous duties and engagements, I feel that I should be negligent in courtesy to yourself, and in duty to the Board of Trustees of Victoria College, who have requested me to advocate their Memorial, did I not address you a few lines on the subject; and, especially, as I fear the accident, which has befallen His Excellency, may preclude any further attention to it on his part.†

\*Mr. Boswell was, for many years afterwards, Judge of the Newcastle County Court.

†Nevertheless, Lord Sydenham, although suffering severely at the time, by reason of the accident which befel him, did not fail to send a Message to the House of Assembly, recommending the grant of £500 to Victoria College. (See page 25, *ante*.)

As the most prominent and leading Member of the Government, and approving, as you are known to do, of the general principles on which the Trustees of Victoria College have prayed for aid; I take the liberty, most earnestly, to solicit your kind, sufficient interposition at this juncture. The Memorial of the Trustees states the principal grounds of the application. Permit me also to submit the following:—

1. That when an essentially orthodox Church in the Province possesses sufficient influence and means, and has put forth the requisite exertions to bring such an Institution into operation, the Government cannot more effectually promote its own moral influence, or advance academical education in the country than by liberally supporting it. It cannot be drawn into an inconvenient precedent, as none but a numerous and enterprising Religious body would, or could, furnish such an Establishment. I know of no other Denomination in the Province that can do it, except the Church of Scotland.

2. That the only Churches in Canada (*i. e.*, the Churches of England and Rome), which have Colleges in connection with their Communion, or under their direction, have the principal one of them [*i. e.*, King's College] munificently endowed. Surely, a grant to one College in connection with the Wesleyan Methodist Church ought not to be denied.

3. That the College Charter must be inoperative without a grant. No such Institution can support itself. The Trustees and friends of the Upper Canada Academy have contributed about Three Hundred pounds (£300), per annum, over and above the amount of Academy receipts, although the number of students, during the five years of its operations, has been considerably larger than that attending the Upper Canada College during the first five years of its operations. Although, the opening of our Institution, as a College, will, doubtless, in the course of a year or so, result in a large increase of students, yet, its outfit involves a considerable additional outlay. The present Departments of Tuition will, of course, be retained, as preparatory departments for the College, but additional Professors must be employed. Even the present course of instruction is of as high an order in the classics, and more comprehensive in other branches, than that which obtains in the Upper Canada College.

The Methodist population of this Province have certainly not cost the Government much, either for its religious, or educational instruction, a fact which may account for, as well as justify, much of the dissatisfaction which has heretofore existed, and which ought to induce, in my humble opinion, enlarged liberality on the part of the Government and Legislature in behalf of Victoria College. They ask for not one tenth part of the amount that is annually paid to the Church of England, and not one-half the amount which is annually paid to the Church of Scotland, or the Church of Rome, in Upper Canada.

You are, of course, aware that nothing can be done in this matter without the recommendation of the Government. The Trustees have prayed for One Thousand pounds (£1,000), per annum—less than half the annual amount of endowment to Upper Canada College. But as objections seemed to exist against making a permanent grant, previously to the completion of the contemplated Government system of Collegiate, as well as Common School, Education, an individual grant only is now sought for and expected.

His Excellency, being of opinion, that he could not, under all the circumstances, at the present time, recommend the full sum of One Thousand pounds (£1,000), to be granted to the Institution at Cobourg, asked me, in the last interview, with which he honoured me, how much I thought the Trustees could get on with successfully? My answer was, I thought they could not carry out their plans with success with less than Five Hundred pounds (£500). Upon further consideration and conversation, I hope you will, at least, support that amount.

By the accounts of the Treasurer of the Institution, it appears that there are demands against the Trustees to the amount of some Five Hundred pounds (£500), more than the amount of available debts due to them. They are willing, by private effort, to pay off the debt; but it is hard for individuals among us to be paying large sums from year to year, when our Institution would be efficiently supported, without any such individual sacrifices and burdens, if the Methodist Church were treated with half the liberality which has been bestowed upon the other three leading Churches of the Province. Several hundred pounds is very little for the Province, but it is a great deal to be made up by individuals, who, in addition, have to support their Ministers, and all the institutions of their Church without any public aid.

I desire to apologize for this long intrusion, and freedom. I hope that the subject of this Letter will receive your most favourable consideration and cordial support.

EGERTON RYERSON.

Toronto, 8th of September, 1841.



The Reverend Jesse Hurlburt, Acting Principal of the Upper Canada Academy, also wrote the following Letter to Doctor Ryerson :—

I received a Letter from Mr. David Thompson, M.P.P., in which he states, that he had duly urged Mr. Secretary Harrison, "to bring down the recommendation for the endowment of Victoria College, for which the Trustees had applied, but that he feared the Session would pass away without its being presented." Mr. Thompson recommends that this should be urged as a special case, lest it should be too long postponed. There are a number of applications from various parts of the Province for grants. It is, therefore, advisable to have that of Victoria College brought before the Legislature at as early a date as possible.

JESSE HURLBURT.

COBOURG, August, 1841.

Subsequently, the following Letters were received from Mr. John P. Roblin, M. P. P., who was also one of the Trustees of Victoria College :—

Your favour of the 8th instant would have been answered on Saturday, but no Message having come down from the Governor General, and the Honourable S. B. Harrison is still promising that it should come. I waited till this morning, when, lo! a Message arrived, recommending a grant of Five Hundred pounds (£500), to Victoria College.

The Message was immediately referred to a Committee of Supply for to-morrow. I am in hopes that the House will grant the amount without much (if any) opposition. I will write you again so soon as the vote is taken, which will be to-morrow.

The House is going into Committee to-day on Mr. Day's Common School Bill.

JOHN P. ROBLIN.

KINGSTON, September 18th, 1841.

A Bill has passed the House of Assembly granting the Five Hundred pounds (£500), to Victoria College. I think it will pass the other Branch of the Legislature, though it has not as yet passed it.\*

JOHN P. ROBLIN.

KINGSTON, September 16th, 1841.

Before the year closed, Doctor Ryerson received the following cordial Letter from the Honourable John Henry Dunn, M. P. P., Receiver General, enclosing a Draft on London for the Legislative grant of Five Hundred pounds (£500), to Victoria College.

I enclose you herewith a Warrant for £450, sterling, (equal to Five Hundred pounds, (£500,) currency, which I beg you will have the goodness to sign and return to me at your convenience.

I can assure you that it affords me very great pleasure to send you a Cheque for so desirable and proper an object as the Victoria College; and I hope it is the commencement of more liberality towards an Institution, which has so long struggled to benefit the community of Upper Canada, without that support, which other institutions have so bountifully received at the hands of the Government. You will obtain cash, without deduction, at any of the agencies of the Bank, on presentation of the Draft.

JOHN H. DUNN.

KINGSTON, 7th December, 1841.

To this Communication, Doctor Ryerson returned a Letter of grateful thanks on the 14th of January, 1842.

I herewith return to you the duplicate receipts for Five Hundred pounds, (£500,) currency, granted to Victoria College. I thank you for your kindness in forwarding me the Warrant, and beg you will accept my most grateful acknowledgements for your own kind expressions and wishes in behalf of an Institution which has struggled through difficulties which, in the retrospect, appeared insurmountable,—an Institution which, I have no doubt, will prove an important tributary in promoting the future Science and Literature of Canada.

\*The proceedings of the Governor General, the House of Assembly, and of the Legislative Council, in making this grant to Victoria College will be found on Pages 25, 28, and 39, of this Volume, *ante*.

It is by such acts of intelligence, justice and liberality that the Government will secure its own permanence upon the broad basis of public confidence and affection, and acquire a strength which nothing else cannot give it.

EGERTON RYERSON.

TORONTO, January the 14th, 1842.

### THE REVEREND EGERTON RYERSON AS PRESIDENT OF VICTORIA COLLEGE.

On the establishment of the Upper Canada Academy in 1832-36, the Reverend Mathew Richey, an eloquent and noted Wesleyan Methodist Minister, (referred to on page 273 of the Second Volume of this Documentary History), was appointed as its first Principal. He continued as such until about 1840. when the Reverend Jesse Hurlburt, (referred to on page 322 of the Third Volume of this History,) the Senior Master, was appointed temporarily as Acting Principal, in the hope that, as soon as circumstances would permit, the Reverend Egerton Ryerson would accept the office. A strong effort was made, in March, 1841, to induce him to do so, by the Reverend Daniel C. Van Norman, and Mr. William Kingston, Masters in the Upper Canada Academy, and prospective Professors in Victoria College. In a joint Letter written to him by these Gentlemen, on the 31st of March, 1841, they say:—

We, as a Body, could scarcely be placed in more favourable circumstances to benefit the Country than those at present occupied by our Church. In comparison with other Christian Denominations, God has placed us on vantage ground, inasmuch as we occupy at present, the field of Education almost without a rival.

Now, Reverend Sir, to you and to you alone, do we look, under these peculiar circumstances. It remains for you to decide whether, the Academy shall rank amongst the first Literary Institutions of the Country, and become an important agent in forming its future character and controlling its destiny, or have a mere nominal existence.

With one, to whom Canada is already so greatly indebted, and who has for years been made the "Servant of the Public," duty alone, (or where can I be most useful?), will turn the scale in matters of this nature. The present generation will soon have passed away; and, whether you can ever so effectively and extensively promote the interests of the rising and future generations in any other field of labour, as at the head of such an Institution as this, appears, at least to us, not at all problematical.

Notwithstanding that we used our influence to have another placed at its head, *pro tempore*, still we supposed that upon you, as soon as the circumstances of the Church and of the Country should become favourable, would devolve the superintendence of the Upper Canada Academy.

We speak the honest conviction of our minds, when we say, that from our acquaintance with Literary Institutions, and the qualification necessary for those who have their direction, we believe no person can be found, in whom so many of these qualifications are combined, as in yourself. Those peculiar intellectual endowments, and other various qualities,—which have already gained for you an amount of influence and popularity, possessed by no other man in Canada,—are admirably suited to the situation of President of a Literary Institution, and would go far towards establishing the character of our Academy for permanent prosperity—investing it with attractions possessed by no other School in the Country.

You have at heart the welfare of our Church; and, in what relation can you so fully subserve her interests as by occupying a situation, in which you would have the direction of the education of those whom God may call to minister in her Sanctuaries? All circumstances being considered then, does not Providence seem clearly to point out this place as the principal scene of your future labours?

D. C. VAN NORMAN.  
W. KINGSTON\*

COBOURG, 21st of March, 1841.

\*Mr. William Kingston eventually retired from Victoria College and became one of the Officers of the Civil Service at Ottawa. A few years ago, two or three of his old pupils waited on him, to tender their heartfelt thanks for his efforts to make mathematics an agreeable study to them in the old days at Victoria College. The ex-students were Senator Brouse, J. L. Biggar, M. P. and the Writer. He was deeply touched by this personal tribute from his old pupils.

I have largely curtailed the foregoing Letter, knowing that its object was accomplished by the Reverend Doctor Ryerson's acceptance—though unwillingly—of the office of President of Victoria College a few months later. I knew the Writers of this Letter personally,—having been a Student of Upper Canada Academy at the time. They were most devoted in their labours as Masters, and afterwards as Professors,—entering heartily into their work, and calling out most effectively whatever latent intellectual powers were possessed by those whom they taught. They, as well as the five, (more or less), distinguished men, who occupied the position of Principal, or President, of Victoria College, have passed away,—the Reverend Messieurs Richey, Hurlburt, (Acting,) Ryerson, Macnab and Nelles;—but each did all in his power, according to his opportunity and ability, to raise the character of the Institution, and to stimulate the intellectual zeal and energy of the Students who resorted to it. Both before and after the passage of the Act, incorporating Victoria College, influences were brought to bear upon Doctor Ryerson to induce him to accept the Principalship of the College. The only reference, however, which he makes to this event is the following, on page 304 of *"The Story of My Life:—"*

At the end of two years labours in the Station of Adelaide Street Church, I was again wrested from my loved work (as a Pastor) by an official pressure brought to bear upon me to accept the Presidency of Victoria College, which was raised from being Upper Canada Academy to be a College, opened and incorporated, in 1842, as a University College.

The Letter of Mr. Wilson S. Conger, M.P.P. and a Member of the Board of Victoria College, announcing this appointment, was written on the 3rd of September, 1841, as follows:—

I have the satisfaction to inform you that at our Committee Meeting held on Wednesday last, (all the Members being present,) you were, by their unanimous voice, recommended to the "Board" to fill the Principal's Chair in "Victoria College," and I must beg of you not to throw any obstacle in the way of your appointment to that important trust.

I need not say to you that our hope of success depends entirely upon raising the character of the College above that of the Upper Canada Academy. To do this, we must place at its head, a person holding a commanding influence over that portion of society, from whom we expect to receive support; and, allow me say, that the Committee believe they are only doing you justice, when they say, that they know of no person so likely to accomplish that end, or to satisfy public expectations, as yourself.

I have written to several Members of the Board, informing them of what we have done, and requesting them to attend a Board Meeting to be held here at the close of the Session. At this Meeting, the Committee will lay before the Board a statement of their affairs, and arrangements will, of course, be made for the ensuing year.

W. S. CONGER.

Cobourg, 3rd of September, 1841.

The Meeting of the Board of Trustees of the newly constituted College, thus called by Mr. Conger, was held in the early part of October, 1841. It very cordially approved of the recommendation of the Committee, and the Reverend Egerton Ryerson was unanimously appointed by it to be Principal of Victoria College. He did not agree to accept the appointment, except with a view to the provisional opening by him of the Institution as a College in October; as he did not desire to give up the pastoral charge of the Adelaide Street Church,—to which he had been appointed at the Conference of 1840,—until the Spring of 1842.



OPENING OF THE UPPER CANADA ACADEMY AS A PREPARATORY COLLEGE, ON  
THE 21ST OF OCTOBER, 1841.

On the 21st of October, 1841, the formal opening of the Upper Canada Academy, as a "Preparatory College," prior "to its commencement as a College proper" took place. At the time appointed, the Professors, Officers and Students being present the Reverend Egerton Ryerson, the Principal elect, delivered an Address on "*The Kind of Education which Canadian Youths require; and Hints to them for its Attainment.*" Only portions of this Address, which refer to this preliminary opening of the College,—to the history and circumstances of the Institution, and to the recent Legislative proceedings on its behalf, are given below.

In opening this Institution, (the Principal said,) as a preparatory College, with a view to its commencement as a College proper, at the beginning of the next Academic year, I deem it advisable to make a few observations on the leading features of that kind of education which it is intended to impart at the Victoria College, and to offer you a few practical suggestions for your present assistance and encouragement, as Students, in your ordinary and preparatory studies.

\* \* \* \* \*

Gentlemen and Young Friends,—I cannot conclude these remarks without adverting to the new and elevated character with which this Institution has been invested by the Parliament of United Canada. His late most Gracious Majesty William the Fourth, of precious memory, first invested this Institution, in 1836, with a corporate character, as an Academy—the first Institution of the kind, established by Royal Charter, unconnected with the Church of England, throughout the British Colonies. And it is a cause of renewed satisfaction and congratulation, that after five year's operation as an Academy, it has been incorporated as a College, and financially assisted, by the unanimous votes of both branches of the Provincial Legislature,—sanctioned by more than an official cordiality in Her Majesty's name, by the late lamented Lord Sydenham, one of whose last messages to the Legislative Assembly was, a recommendation to grant £500 as an aid to the Victoria College,—an aid which we trust will be increased and continued annually. We have buoyant hopes for our Country, when our Rulers and Legislators direct their earliest and most liberal attention to its literary Institutions and educational interests.

A foundation for a Common School System in this Province has been laid by the Legislature, which, I believe will, at no distant day, exceed in efficiency any yet established on the American Continent; and I have reason to believe that the attention of Government is earnestly directed to make permanent provision for the support of Colleges also, that they may be rendered efficient in their operations, and accessible to as large a number of the enterprising youth of our Country as possible.

The relation which I have been called on to sustain to this Institution, in consequence of its incorporation as a College, has been created against my own convictions of personal fitness. The studious habits and literary pursuits of my youth were followed too soon by the various duties and cares of public life to allow of their ripening into profound science, or general literature. My public life has been active, rather than literary; and I can only account for the choice and solicitations of the Directors and friends of this Institution—and can only reconcile my own compliance with their requests—upon the principle laid down by the great Locke, that

"Youth should be committed to the care of a virtuous and judicious Tutor who is rather a man of experience in the world than of profound learning; for it is more necessary that the pupil be formed for conducting himself with prudence in the world, and be fortified against those temptations to which he will be exposed in active life, than that his head should be (merely) stuffed with Latin and Logic."

I am happy to know that any deficiency on my part is more than supplied by the attainments of the Gentlemen with whom I have the honour to be associated; Gentlemen whose freshness from College pursuits, whose attainments and grateful labours in this Institution, as an Academy, point them out as peculiarly qualified by their learning and zeal, to instruct the youth entrusted to our care in the various branches of a scientific and literary education; while it will be my province and my aim, in coming to their assistance, to occupy the moral and more practical departments of educational instruction, by connecting the acquisition of knowledge with the duties of interests of private and public life—that you may go forth from this Institu-

tion not merely sound scholars but qualified and disposed to discharge your duties as Christians and citizens in all the relations to which the guidance of Providence, the authorities of your Country, and the voice of your fellow-subjects may call you.

Two of the best and most laborious years of my life have been employed in promoting the establishment of this Institution ; and if my humble labours will in any way contribute to its successful operations and usefulness, they shall be freely and unreservedly bestowed—deeply convinced as I am of its infinite importance to the educational, moral and general interests of a large portion of my fellow-subjects, if not of the Province at large.

The present Session, commencing with the attendance of a larger number of Students than have attended at the commencement of any previous Session, augurs well for the future. Had we even commenced upon a scale more limited, and with an attendance less numerous, there would still have been ground for encouragement and hope. The University of Glasgow began in 1450, with one Professor in Theology and three in Philosophy. Marischal College, Aberdeen, began with a Principal and two Professors. At the first foundation of the University of Edinburgh, only one Professor was appointed, and he the Minister of the city. And the celebrated University of Cambridge itself commenced in the twelfth century under the auspices of an Abbott and two Monks, who hired and delivered public lectures in a barn ! Encouraged by such examples, and animated by our present prospects, we confidently anticipate extensive success and usefulness in the future operations of this Institution. For your success and happiness, my Young Friends, I feel the deepest solicitude ; with the parents of several of you I have been a school-fellow in my boyhood ; and it is my earnest wish and prayer, and will, I am sure, be the united endeavour of your Instructors, that your attendance here may be eminently useful to you all, and be followed by lives of virtue, honour and usefulness.

The “Provisional” Officers of Victoria College, as appointed by the Board of Trustees at the time, were as follows :

The Reverend EGERTON RYERSON, Principal, with the Department of Moral Philosophy and Rhetoric.

The Reverend JESSE HURLBURT, A.M., Professor of Hebrew, and the Natural Sciences.

The Reverend DANIEL C. VAN NORMAN, A.M., Professor of the Greek and Latin Languages.

Mr. WILLIAM KINGSTON, Professor of Mathematics, with the charge of the English Department.

Mr. CROWLEY, Assistant in the English Department.

The Reverend JOHN BEATTY, General Agent and Treasurer.

Mr. ROBERT WEBSTER, Steward.

The Curriculum of the College proper, (omitting the English Department,) was as follows : \*

*Freshman Class.* Algebra completed ; Geometry ; Geometrical Drawing ; History of England ; French ; Virgil, Livy, Latin Exercises ; Roman Antiquities ; Græca Majora, Xenophon’s Memorabilia, Cyropædia, Anabasis, Herodotus, Thucydides ; Physiology.

*Sophomore Class.* Geometry completed ; Logarithms, Plane Trigonometry, Mensuration of Superficies and Solids ; Isoperimetry, Mensuration of Heights and Distances ; Navigation, Surveying, Levelling ; French ; Cicero de Amicitia et de Senectute ; Horace : Lysias, Isocrates, Demosthenes, Plato ; Latin and Greek Exercises ; Rhetoric ; Evidences of Christianity.

*Junior Class.* Spherical Trigonometry, Conic Sections ; Natural Philosophy ; Chemistry, Cicero de Oratore, Tacitus ; Homer’s Iliad and Odyssey, Greek Tragedies ; Latin and Greek Exercises ; Hebrew ; Intellectual Philosophy.

*Senior Class.* Differential and Integral Calculus, Astronomy, Latin and Greek ; Chemistry reviewed ; Logic, Moral and Political Philosophy, British Constitution ; Natural Theology, Hebrew ; Natural History ; and the Philosophy of the Bible.

It was well known that Doctor Ryerson, even after delivering his Address, in which he spoke of the likelihood of his acceptance of the position of Principal, was by no means sanguine as to his fitness for the post, and so he expressed himself in the Address ; besides, he was averse to giving up his pastoral duties,

\* This original Curriculum of Victoria College in 1841 is inserted here for the purposes of comparison with the modern courses of study in our Colleges.

or to assume those more arduous ones of Principal of Victoria College. Hearing of this, the Reverend Daniel C. Van Norman, Professor of Greek and Latin in the College, wrote the following pressing Letter to him on the 22nd of March, 1842. He said :

There are rumours afloat that it is considered doubtful whether you will finally consent to take the superintendence of this Institution, or not, which have cast such a gloom over my mind that I find it impossible to dispel.

Should my fears, in reference to this matter, be realized, it is my deep and honest conviction that, notwithstanding all the efforts which have been made, or may be put forth, to keep the Academy above the wave, the Institution must sink to rise no more.

This conviction does not arise from any want of united effort, or hearty co-operation at present among the acting Officers of Instruction ; but it arises from facts and circumstances, with which you are fully acquainted. In such an event, I believe it would have been infinitely better for the Institution to have retained its original name and character as an Academy.

Doctor Ryerson did finally consent to retain the position of Principal of Victoria College, to which he had been appointed by the Board of Trustees, and he was duly inaugurated, as such, with the usual ceremonies, on the 21st of June, 1842, at which time the Institution was formally opened as a University College.

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## CHAPTER VIII.

### EDUCATION OF THE INDIANS IN UPPER CANADA, 1835-1838.

In Chapter XVIII of the Second Volume of this Documentary History—pages 348-351—such particulars were given in regard to the Education of the Indians of Upper Canada as were then available in the voluminous Blue Books of the Imperial Parliament, and in other Documents, Reports and Proceedings of the Missionary Societies.

In addition to the particulars in these extracts, there are inserted in this Chapter copies of various Correspondence on the subject of the Education of the Indians, between representatives of Missionary Societies and other parties, and the Imperial Government ; and also extracts from Despatches of the Colonial Secretary to the Provincial Government on the subject, and replies to the same.

Commissioners were appointed in October, 1839, by Lieutenant-Governor Sir George Arthur, at the instance, in May of that year, of the House of Assembly, to enquire into the condition of the Indian Tribes, and also of into the working of the Indian Department of the Provincial Government. The Commissioners only prepared a Report on the administration of the Indian Department, but did not proceed further with their enquiries.

A very comprehensive Report of a Committee of the English "Aborigines Protection Society," on the State of the Indians of British North America, was prepared and published in the same year, (1839). From this Report some extracts have been taken, and will be inserted farther on in this Chapter. A



Report, chiefly on Schools for the Indians, was also prepared in 1839 for the Colonial Secretary, (Lord Glenelg), by the late Sir James B. Macaulay, but it has not, I believe, been published.

The whole of these Documents indicate a laudable desire on the part of Missionary Societies and the Government—Imperial and Colonial—to ameliorate and improve the condition of the Indian Tribes of Upper Canada, and to provide for their industrial training, as well as their education and religious advancement.

Among the first Missionary efforts, (apart from the labours of the early Jesuit and Franciscan Missionaries\*, and by the New England Society,) put forth for the benefit of the Indian Tribes in Upper Canada, were those of the Church of England, and the Wesleyan Methodist Church. In the Life of the Reverend James Evans, (Methodist Missionary from 1830 to 1846, and a School Teacher near L'Orignal about the year 1822), by the Reverend John McLean, M.A., Ph.D. (1890), it is stated that "At the Conference held in July, 1821, the Reverends William Case, Henry Ryan, and three others, were appointed a Committee on Indian Affairs, and, in that year, an opening was effected for beginning Missionary work on a systematic plan." (*Page 39.*)

Particulars of the early Church of England Indian Missions, and of the New England Company, are given on pages 39 and 40 of the First Volume of this Documentary History.

In October, 1830, a Church of England "Society for Converting and Civilizing the Indians," etcetera, was formed at York. No Presbyterian Missions to the Indians of Upper Canada existed until in later years. Mr. McLean mentions that the Reverend William Case, to whom he refers, became the presiding genius of the Indian work in the Country. . . . and in caring for the manual training of the Indian youth. (*Page 35.*)

#### CORRESPONDENCE BETWEEN THE IMPERIAL AND PROVINCIAL GOVERNMENTS IN REGARD TO THE INDIANS AND THEIR EDUCATION, (1835-1838).

A voluminous Correspondence took place between the Secretary of State for the Colonies and the Governors of the British North American Provinces respecting the condition of the Indians in Upper and Lower Canada, and in the Maritime Provinces, during the years 1835-1838.

The Blue Book, containing this Correspondence—printed by order of the British House of Commons in June, 1839—extends to 171 foolscap pages, and is chiefly taken up with details of the removal of various Indian Tribes to the Manitoulin Island, in Lake Huron, and in discussing the advisability of continu-

\* The labours and the sad fate of these heroic Roman Catholic Missionaries in the region of Lake Simcoe, Lake Ontario and Lake Superior, are graphically related (in part) by Mr. J. M. LeMoine, in his Sketch of these Missionaries given in his "Maple Leaves," Fourth Series of 1873, pages 23-27, and more fully by the Very Reverend W. R. Harris, Dean of St. Catharines, in his "History of the Early (Roman Catholic) Missions in Western Canada," 1893. See also McLean's "Life of James Evans," already quoted.

ing the system of presents to the Indians. The subject of the Education of the Indians of Upper Canada occupies a comparatively small space in this collection of Letters and Despatches, and occurs at rare intervals. I have, however, made such extracts from these Letters and Despatches as will best illustrate what was being done for the Education and enlightenment of the Indians of Upper Canada during the years named.

In a Despatch from Sir John Colborne, Lieutenant-Governor, to Lord Glenelg, the Colonial Secretary, dated Toronto, 22nd of January, 1836, he said :

I cannot quit this Government without drawing Your Lordship's attention to the projected establishment of the Indians of the Northern Shores of Lake Huron on the Great Manitoulin Island, which I have authorized, and which has already been partly carried into effect.\*

If this project succeed, Your Lordship may be assured, notwithstanding the discussion in the House of Commons, last Session, that all the Indian Tribes in Canada are collected in Villages, that Schools are instituted for their benefit, and that they are placed under the care of persons interested in their welfare.

In the annexed statement, (dated the 24th of September, 1835,) Your Lordship will see the progress that has been made in the Indian Establishment under the charge of Captain Thomas G. Anderson, (Superintendent of Indian Affairs), and the state of the Indians on the Northern Shores of Lake Huron.

J. COLBORNE.

TORONTO, 22nd of January, 1836.

*Enclosure: Statement by Captain Thomas G. Anderson, Superintendent of Indian Affairs.*

. . . Habitual intoxication is unknown; the Sabbath is well observed; the religious duties of the Indians are carefully attended to, and Reading and Writing, with a moderate knowledge of Arithmetic, are almost universal among the the young people. . . The Log Dwelling Houses for the Indians were erected by Government; Frame Houses for the Superintendent and the two Chiefs, (Aisance and Yellowhead), with Schoolhouses at Coldwater and the Narrows of Lake Simcoe, were also built at the commencement of the establishment. . . .

The Indian wants instruction. He everywhere appreciates the superiority of the Whites in possessing the arts of Reading and Writing. He earnestly begs for the benefits of Education.

THOMAS G. ANDERSON, Superintendent.

COLDWATER, 24th of September, 1835.

(Return, pages 118-122.)

#### EDUCATION AND RELIGIOUS INSTRUCTION OF THE UPPER CANADA INDIANS.

In a Despatch from Lord Glenelg to Sir Francis Bond Head, Lieutenant Governor, dated the 20th of February, 1837, he called his attention to the alleged conflict of opinion, (in regard to the probability of the Indians adopting agricultural pursuits,) between Sir Francis and his Predecessors, to which the attention of the Colonial Secretary had been called by the Lords Commissioners of His Majesty's Treasury. The Lords Commissioners submit a series of questions on the subject, which they desire to have definitely answered,—the sixth of these

\* This project of removing the Indians, which was vigorously carried on by Sir John Colborne's successor (Sir F. B. Head), led, at the time, to an acrimonious correspondence between Sir Francis and various parties in Upper Canada, who thought that the Indians were both deceived and harshly treated by him. This was so stated to Lord Glenelg, and details of the facts of this treatment were given to him by the Reverend Doctor Ryerson in a Letter to the Colonial Secretary, dated Kingston, April the 9th, 1838. This Letter is inserted farther on in this Chapter.

questions relates to the number and description of the Clergy and School Teachers attached to each Tribe. In his reply to this Despatch, dated the 18th of July, 1837, Sir F. B. Head, sends the following answers to this query.\*

1. RIVER ST. CLAIR RESERVE. *Answer*:—There is one Missionary and one School Teacher attached to the Chippewa Indians settled on the Upper Indian Reserve, River St. Clair; they are both of the Wesleyan Methodist Society;

WILLIAM JONES, Assistant Superintendent.

RIVER ST. CLAIR, 12th of May, 1837.

2. HURON RESERVE, AMHERSTBURG. *Answer*:—The Indians settled here have no Church of England Clergyman, or School Teacher, attached, to them. A small number of the Huron Tribe are Roman Catholics; the majority of the Tribe, however, are Methodists.

GEORGE IRONSIDE, Superintendent.

AMHERSTBURG, 9th May, 1837.

3. COLBORNE ON THAMES. *Answer*:—The Reverend Solomon Waldron, a Missionary of the Wesleyan Methodists, Munceytown, is placed at this Station, and preaches to the Chippewas and Munceys. Here they have established a School under the direction of the Missionary. The Pagan Chippewas and Muncey Indians have, in part, consented to listen to the religious instruction of the Reverend Richard Flood, of the Church of England, who occasionally visits them. The duty of the School Master is to Teach as many of the Indian Children as will attend the School. His Salary is £75, Halifax Currency, a year.

JOSEPH B. CLENCH, Superintendent.

COLBORNE ON THAMES, 12th May, 1837. †

4. COLDWATER, LAKE SIMCOE. *Answer*:—At the Narrows of Lake Simcoe, where the Chippewa Indians are partly Methodists and partly Roman Catholics, the Reverend Jonathan Scott, a Methodist Preacher, and a School Teacher reside, provided by the Methodist Conference, and the Reverend A. Charet, a Roman Catholic Priest of Penetanguishene, occasionally visits them. At Coldwater, where the Indians are also partly Methodists and partly Roman Catholics, the Reverend Gilbert Miller, a Methodist Preacher, has occasionally resided, at the expense of the Conference; and the same Roman Catholic Priest visits the locality occasionally. The School Teacher, selected by His Excellency the Lieutenant Governor, has invariably been a Member of the Church of England. At present there is none, the Indians having their Land payments under their own control. None of these Indians have had the benefit of any regular religious instruction from Clergymen of the Church of England. At the Manitoulin Island, a Minister of the Church of England was maintained for the last summer, at the joint expense of the Parliamentary Grant, and of the Society for Promoting Christianity among the Indians and Destitute Settlers, and a School Teacher was also sent there for the same period, and was paid out of the Parliamentary Grant. At Sault Sainte Marie, the Reverend William McMurray, a Minister of the Church of England, has been successfully employed. He is supported partly by the Society mentioned, and partly from the Parliamentary Grant; and, during the last two or three years, a School Teacher has been maintained at that Mission, and is paid for out of the Parliamentary Grant.

THOMAS G. ANDERSON, Superintendent.

COLDWATER, 15th May, 1837.

5. RICE LAKE SETTLEMENT. *Answer*:—There is a Missionary and School Master of the Wesleyan Methodist persuasion at the Alnwick and Rice Lake Settlement. (the Reverends William Case and Sylvester Hurlburt). The Settlement at Mud Lake has been principally under the management of the late Mr. Scott, Agent of the New England Company.†

THOMAS G. ANDERSON, Superintendent.

RICE LAKE, May, 1837.

\* In these Replies, I have inserted the names of the various Missionaries referred to, but not named, in these extracts, taken from "Fothergill's Canadian Almanac" Conference Minutes and other authorities published at the time.

† In regard to the New England Company, see page 39 of the First Volume of this Documentary History. The Reverend John McLean, in his life of the Reverend James Evans, says that, "in the winter of 1827, a School House was erected on the south shore of Rice Lake, at which there was an Indian Mission Station, and that Mr. (afterwards the Reverend) Hamilton Biggar was engaged there as a Teacher . . . The Rice Lake School was the eighth Indian School in operation, (up to 1827) under the Methodist Missionary Society . . . In 1828, the School was taught by Mr. (afterwards the Reverend) James Evans; then by Miss Ashe, and then by Miss Barnes, (second wife subsequently of the Reverend William Case," (Pages 69, 70). On page 73, Mr. McLean mentions, that Mr. Case reported sixteen Indian Mission Schools in operation, attended by four hundred and twenty children, (1832.)



6. BRANTFORD. *Answer*:—Two Clergymen of the Church of England, (the Reverends Abraham Nelles and Adam Eliott); a Methodist Missionary, (the Reverend Edmund Shepherd), and four School Masters.\*

JAMES WINMOTT, Superintendent.

BRANTFORD, 22nd of May, 1837.

In a Despatch from Lord Glenelg, Colonial Secretary, to Lieutenant Governor Sir George Arthur, dated the 28th of March, 1838, he states, that the Colonial Office had then been in communication with the Reverend Peter Jones and the Reverend Doctor Robert Alder, representing the Wesleyan Missionary Societies in Canada and in England, in regard to the Indians in Upper Canada. He states that the Reverend Doctor Alder had made the following suggestion to him:—

Should Your Lordship see fit to settle, without delay the Indian Lands in [question] and to provide a Central School at which Indian Children may be gratuitously boarded and educated for four or five years, as stated in my Communication to Your Lordship of [the 14th of] December last, Your Lordship will be regarded, by the Indians of Upper Canada, as the greatest Benefactor of their Race. (*Page 83 of the Return.*)

The following are extracts from the Communication of the Reverend Doctor Alder, to Lord Glenelg, dated the 14th of December, 1837, to which reference is made in the preceding extract:—

From the year 1816, to the year 1827, I was employed as a Missionary in various parts of British America; and during that period I obtained some knowledge of the state and character of the Indians in Nova Scotia and New Brunswick, as well as in the Canadas.

In the year 1832, proposals were made to the Committee of the Wesleyan Missionary Society by . . . the then Head of the Colonial Department . . . for extending the operations of that Society in Upper Canada, with a view to promote the religious and moral improvement of the Indians . . . in that Province; in consequence of which, I proceeded thither to make arrangements . . . for carrying the benevolent intentions of the Government into effect.

In the year 1832, I again visited Canada, with the same object in view . . . I had the honour to hold several conversations on the state and prospects of the Indian Tribes, and on the best methods for improving their condition, with His Excellency, Lieutenant Governor, Sir John Colborne . . . whose unwearied efforts to diffuse the knowledge and influence of Christianity among the Indians . . . justly entitled him to be regarded by them as the Friend and Benefactor of their Race . . .

It was in the year 1824,† that the attention of the Methodists of Upper Canada was particularly directed to the wretched condition of the wandering Indians around them . . .

In addition the Mission Schools which are already formed in the different settlements of Christian Indians for the education of the rising generation, means should be furnished for the establishment and support of two or more Central Schools, in which the most promising youths should be placed, and gratuitously boarded, educated and clothed, for five or six years, at least.‡ By such an arrangement, the children of the Indians would be removed from their imperfectly civilized parents, and placed under the exclusive direction of their religious and secular Instructors. In addition to the ordinary branches of learning cultivated at school, the boys would be instructed in a knowledge of useful mechanical arts: and what is greatly to be desired, as being of immense importance in its influence on the future improvement of the Indians, the female portion of the children would be well instructed, not merely in Reading and Writing, but in the performance of domestic duties . . .

\* In Reverend John McLean, in his *Life of the Reverend James Evans*, (1890,) mentions, (on page 46,) that in 1823, "Mr. Seth Crawford, of Saratoga, New York, anxious to learn the language of the Indians on the Grand River Mission, laboured as a School Teacher among them,—boarding with the Indians, and rejoicing in successful toil." The Reverend Peter Jones also taught school in 1833-4 at the Grand River. (Page 51.)

† By reference to the Note on page 117, *ante*, it will be seen that 1821 was the year in which the Methodist Conference moved in this matter.

‡ This plan of establishing Central Schools for the Indians was adopted by the Wesleyan Conference at its meeting at Toronto, in June 1837. (See page 124, *post.*)

As it respects the second, (or pagan), class of Indians . . . . I know of no other method by which they may be reclaimed, or their condition be effectually improved, than by the influence of Christianity, which, as I have shown to Your Lordship, has already greatly ameliorated and improved the condition of hundreds of their brethren. . . .

These Indians would look for a fixed residence, where they can be taught more perfectly, and where their children may attend a School, and learn to read the "Good Book," and to use their own expression, "to put their thoughts on paper." A Chapel and a School House will soon be built, around which they will erect dwellings. Agriculture and the mechanical arts will follow in the train of Christianity, and, in process of time, industry will place them in circumstances of comparative comfort and abundance. . . .

It would greatly contribute to a knowledge of the benefits which the Gospel is calculated to impart . . . . if, when the annual presents are distributed, a locality were selected to which the Pagan and Christian Indians could conveniently repair, and where they might mingle for a few days together, during which time the Christian portion of them might explain to the other . . . . the great advantages which their children derive from the Schools established amongst them. . . .

It is difficult to ascertain the actual number of the uninstructed Indian population of Upper Canada; but . . . . there can be no doubt but that it must be very considerable. How necessary then it is, that prompt and effectual measures should be adopted for their improvement. . . . Many are now willing to give up their children that they may be instructed; and, if Central Schools, such as I have recommended, were established, the offspring of these wild Indians would derive great advantage from such Institutions, and the progress of Indian civilization would be effectually promoted.

R. ALDER,

LONDON, 14th December, 1837.

Secretary of the Wesleyan Missionary Society.

(*Return, pages 90-97*).

In a subsequent Despatch to Sir George Arthur, dated the 22nd of August, 1838, Lord Glenelg said:—

The first step to the real improvement of the Indians is to gain them over from a wandering to a settled life . . . . In this connection, I recommend to your consideration [the foregoing] suggestions offered by [the Reverend Doctor] Alder. . . .

The second next important object to be obtained is the establishment among them of Schools, with competent Teachers;—Schools affording elementary instruction, not only in the common branches of Education, but in the rudiments of Agriculture and Mechanics, and superintended by Masters of competent knowledge, and of strictly moral and religious character.\* . . . I have little doubt that, among Missionaries, who have so zealously devoted themselves to the conversion of the Indians, Teachers for such Schools may be found.

It has been asserted, that even were such Schools established, there would be an indisposition among the older Indians either to attend them in person, or to allow their children to do so. I do not attach much weight to this objection. . . .

In order to stimulate the exertions of those who attend the Schools, it would probably be advantageous that periodical examinations should take place, accompanied by public trials of skill in Agriculture. On such occasions, Prizes should be distributed to those who have shown peculiar diligence or ability, or who have distinguished themselves by regularity and good conduct. The consideration which would attach to those who obtained such Prizes would be an incentive to some who might otherwise neglect the Schools. . . .

Hitherto no periodical Reports have been made to Her Majesty's Government of the state and progress of the Indians. I have to request that you will give the necessary directions for the preparation, in future, of such Reports, showing . . . . the number of Schools established, and of the Scholars attending them; (distinguishing the adults from the children), with a general statement in the several Branches of Education . . . . the number of Prizes awarded for proficiency, whether in Agriculture, in the usual Branches of Education, or for Good Conduct. (*Return, pages 88, 89*).

\*This was practically the scheme of Education proposed, in the preceding Communication, by the Reverend Doctor Alder.



The following is an Extract from a Despatch from Lord Glenelg to the Earl of Durham, Lord High Commissioner to Canada, on the neglect of the Government to the condition of the Indians, dated the 22nd of August, 1838 :—

The condition of the Indians, as to Education, is far from creditable to British rule. Under the French Government of Canada, that people were placed under the special care of the Jesuit Missionaries.\* . . .

It is time for us to emulate their example, and to supply, however tardily, the place of the Instructors, of whom our conquests have deprived the original possessors of the soil. You will accordingly, take into immediate consideration the best means of establishing and maintaining Schools among them, in which the rudiments of Education shall be taught, joined, if possible, with instruction in Agriculture, and some of the Handicrafts ; and, in order to promote these objects, you are authorized, if you think fit, to direct that some of the Medals, or ornaments, now given as Presents, should be reserved, and hereafter be converted into Prizes for Proficiency in learning, or for Industry and Success in Agriculture.

GLENELG.

DOWNING STREET, LONDON, 22nd of August, 1838.

(*Return, page 6.*)

In September, 1838, Sir George Arthur, the Lieutenant Governor, visited the Six Nation Indians at the Grand River. This visit he reported to Lord Glenelg, in a Despatch, dated the 31st of October, 1838. In it he said :—

I saw many children at the Indians' doors in the immediate neighborhood of the Mission, whom I thought ought to have been in School ; but then, the Missionaries may have difficulties in inducing the parents to send them for instruction ; and that, which, to a passing observer, might seem to indicate a want of energy, may, in reality, have been an object of the deepest concern and anxiety to those in charge.

I availed myself of the opportunity of seeing the Reverend Messieurs. Abraham Nelles and Adam Elliott, Church of England Missionaries, of the New England Company† and, with the former gentleman, I had a long conference . . . I addressed the Missionaries on the spot in a letter . . . [of which the following is an extract] :—

The Education of the Indian children appeared to me . . . to require immediate attention. Deplorable as the condition of the untutored heathen has generally been, the case of these Indians, (particularly the Cayugas, Onondagoes and Senecas), if they do not send their children to the Schools, will be much worse. This subject cannot be too frequently urged upon the parents ; and, though the matter, doubtless, has been brought before them in your public and private ministrations, I thought it of so much consequence as to make it part of my public charge to the Heathen and Christian Chiefs assembled in Council on Saturday last ; and I now request you, and the Reverend Mr. Elliott, and the Reverend Mr. O'Neil to tell all the Indians that nothing can benefit them more, or be more pleasing to the Head of the Government, than to comply with this advice.

GEORGE ARTHUR.

TORONTO, 31st October, 1838.

(*Return, pages 164, 165.*)

\*See the work of the Very Reverend Dean W. R. Harris on the History of the early (Roman Catholic) Missions in Western Canada, 1893, already quoted.

†The following is a Copy of a Decree of the Court of Chancery in 1836, by which the Company's proceedings in Upper Canada were regulated :—

This Court doth declare that, according to the true construction of the Charter of His Majesty King Charles the Second, dated the Seventh day of February, in the fourteenth year of His said Majesty's Reign, for incorporating "The Company for the Propagation of the Gospel in New England and the parts adjacent in America," the yearly Revenues, Issues and Profits of all and every, the Manors, Lands, Leases, Tenements and Hereditaments, and also the Goods, Chattels, Money and Stock, from time to time vested in the said Company, for the purposes of their said Charter, ought to be and have hitherto been, from time to time, faithfully laid out, disposed, employed and applied for promoting and propagating the Gospel of Christ unto and amongst the heathen natives in the part of America, now called Upper Canada, and elsewhere, in or near the territories, by the said Charter described, as New England and parts adjacent in America, and also for Civilizing, Teaching and Instructing the said heathen natives and their children, not only in the principles and knowledge of the true Religion and in Morality and the knowledge of the English Tongue, and in other liberal arts and sciences, but for the educating and placing of them, or their children, in some trade, mystery, or lawful calling. . . .

J. COLLIS, R.

LONDON, 26th of July, 1836.

*Return of the House of Commons relating to the New England Company, 2nd August 1838, page 12.*



In connection with the foregoing, it is interesting to note, from the following "Statement on the Part of the New England Company" how that Company discharged its trust to the Indians in British America:—

The Company maintain their Missionaries, Schoolmasters and Teachers of the most simple and useful Arts and Trades, who are employed at the Company's expense, in endeavours for civilising, educating and instructing the Heathen Natives in the Christian Religion, and also in such kinds of Learning and of Arts and Trades as appear adapted to their Condition.

#### THE REVEREND EGERTON RYERSON AS A TEACHER AMONG THE CREDIT INDIANS.

The Reverend Doctor Ryerson, in the "*The Story of My Life*," gives an account of his experience as a Missionary and a School Teacher among the Chippewa Indians at the River Credit, near Toronto, in 1826; the particulars of which are given on page 122 of the Second Volume of this Documentary History.

#### INDIAN MANUAL LABOUR SCHOOLS AT ALDERVILLE, 1836, 1837.

The Reverend Doctor Edward Barrass, of Toronto, has kindly furnished me with the following information relating to the Manual Labour Schools at Alderville, near Rice Lake:—

In 1836-7, the late Reverend Doctor John Carroll, writes that a Manual Labour School, upon a small scale, was started under the superintendency of the Reverend William Case. A young man, (afterwards the Reverend,) Henry Wilkinson, who eventually became a Minister with the Methodist New Connexion, was a Teacher in the said School. Mr. Case, in his "Jubilee Sermon," says: "Extensive brick buildings were erected at the above date, for the education of the children which were settled on the land at Rice Lake, assigned them by Sir John Colborne. The buildings consisted of comfortable dwelling houses, barns; cattle, farming tools, saw mill, etcetera, School House, Missionary and School Teacher. The buildings, cattle and mill were paid for out of the Indians' Annuitant fund . . . . They set apart 200 acres of land as a farm for improving the scholars in the business of agriculture."

Mr. Case was accustomed to visit various Cities in the United States, on behalf of the Indian Missions, and soon after the School was established at Alderville, he took with him some of the children of the School, whose singing always delighted the people. On one of these occasions, he exhibited the following articles which they had manufactured in two weeks, 172 axe handles, 6 scoop shovels, 57 ladles, 4 trays, 44 broom handles and 415 brooms. The Indians were highly commended for their industry, and some rewards were bestowed to stimulate them to greater diligence. *Playter's History of Methodism, in Canada, 1862, page 343.*

One of the boys, (Henry B. Steinhauer,) became distinguished. He accompanied Mr. Case in his journeys. A gentleman became greatly attached to him and educated him in the United States, and, I think, at the Victoria College. His kind benefactor gave him his name. He made rapid progress in knowledge, and when he died in 1885, he left behind him a Translation of the Old Testament, in the Cree language from Job to Malachi, and the New Testament, from the Acts. He was a Minister from 1851 to 1885. One of his sons is a Missionary and another a Teacher in the North West, both of whom studied at 'Old Victoria.' The Missionary is a graduate.

In connection with the foregoing experience of Indian life, their wants and circumstances, it is proper to give the Letter, written in 1838, by the Reverend Egerton Ryerson to Lord Glenelg, on the treatment of the Indians by Sir F. B. Head—to which reference is made on page 118, *ante*. Dr. Ryerson thus refers to his communication and, in it, he speaks of his residence with the Chippewa, (or Ojibway,) Indians, at the Credit River in 1826-7:

In my letter to Lord Glenelg, of this date, (in which I discussed the Clergy Reserve Question at length), I also took up the subject of the treatment of the Indians by Sir F. B. Head. I said:—"I have recently read Sir F. B. Head's Despatches to your Lordship on the affairs of the Indians.

I was the first stationed Missionary at the River Credit in 1826-7, and was permitted to be the first instrument of introducing Christianity among the Lake Simcoe tribes of Indians. I have eaten and slept in their Wigwams; have toiled every day, month after month, in instructing them in religion, horticulture, agriculture, domestic economy, etcetera, I therefore, my Lord, claim to know something of the habits, and character of the "red men" of our Province,

and the progress and effects of the "Christianizing and civilizing process" among them; and I can disinterestedly, and from much better opportunities of observation than Sir Francis boasts of . . . I assure your Lordship that every one of his statements, (in the sense in which he evidently wishes them to be understood,) is incorrect, except his description of the Manitoulin, and other Islands in Lake Huron, and his admission of the nobleness of the Indian heart, and the injury which he has sustained at the hands of the white man.

As specimens, and, to apprise your Lordship on one or two all important points, I will just refer to Sir F. B. Head's statement that the Indians readily consented to cede the Saugeen Territory, and to remove to the Manitoulin and other Islands. I can now state upon the authority of the Reverend Joseph Stinson, (one of the Methodist Missionaries referred to by Sir Francis, as having being present on the occasion), that the facts of Sir Francis' negotiations with the Indians on those subjects are substantially and in brief, as follows:—

Sir Francis wished the Indians to cede the whole of that Territory to him,—they declined,—he persuaded, and even threatened,—they were inflexible. They told him they could not live on those Islands, and that they would not go there; that they wanted lands that they could call their own, (secured to them), and have houses, and have their children learn to read, and live like the white man. The Council separated. About an hour or two after, Sir Francis called them together again, and renewed his proposals, persuasions and threats. The Indians refused. Sir Francis then proposed that if they would cede to him the Territory joining the Canada Company's Huron Tract, he would secure to them and their children, the Territory north of Owen Sound (which your Lordship will find mentioned in the agreement with them), and build them houses, etcetera, on it from the proceeds of the sale of the Territory adjoining the Canada Company's land. (The Territory north of Owen Sound is from 60 to 80 miles in extent; contains much excellent land, and has good fisheries.) To this proposal the poor Indians did readily accede with tears in their eyes. Their hopes revived, and their countenances beamed with joy. This was what they wanted—land secured to from which they could not be removed, and on which they would have help to build houses, and settle their families, and rest their bones. Such was the substance of what transpired between Sir F. B. Head and the Saugeen Indians, from which your Lordship will perceive that they entirely refused to accede to Sir Francis' first proposal; that they never did, and do not now intend to remove to the Manitoulin and neighboring Islands, any more than Sir Francis himself intends to remove there; that they ceded a part of their Territory with a view of getting the other part secured to them, and assistance to settle on it. Such is the understanding, intention, and expectation of the Saugeen Indians to this day.\*

EGERTON RYERSON.

KINGSTON, 9th of April, 1838.

#### THE METHODIST CONFERENCE AND INDIAN MANUAL LABOUR SCHOOLS.

At a meeting of the Conference held in Toronto on the 14th–24th of June, 1837, one of the Questions proposed for the consideration of the Conference was the following:—

*Question 15:* What can be done more effectually to promote the religious education and general improvement of the Aboriginal Indian Youth of this Province?

A Minute was read from the Journal, of the Missionary District Meeting, recommending the erection of a Central Manual Labour School† for the benefit of the Aboriginal Indian Youth; when, after a careful and anxious consideration of the whole subject, it was:—

*Resolved*, 1. That the Conference feels the great importance of the proposed Establishment, more especially since the Indians themselves desire it; and that it be commenced as soon as possible.

*Resolved*, 2. That the Board of Upper Canada Academy be requested to direct their immediate attention to this deeply interesting and highly important undertaking, and devise such measures as they may judge expedient to carry it into effect.

The object of this Central Manual Labor School, is to provide for the religious, literary, mechanical and agricultural education of those Indian Youths whose parents may consent to place them within its walls, where a provision will be made for their maintenance. (*Extract from the Minutes of Conference 1824-1845.*)

†So dissatisfied were the Indians generally throughout Canada at Sir F. Head's Message. . . . that it was a matter of doubt . . . whether they would turn out in defence of the Government . . . But their loyalty prevailed. . . . (*Report of the Aborigines Protection Society 1839, page 21.*)

\* As recommended by the Reverend Doctor Alder, in his Letter to the Colonial Secretary, Lord Glenelg, (See page 120, ante).



## REPORT OF THE ENGLISH ABORIGINAL SOCIETY ON THE INDIANS OF UPPER CANADA, IN 1839.

The following are extracts from a copy of an elaborate "*Report on the Indians of Upper Canada*," prepared by a Sub-Committee of the Aboriginal Protection Society of England, in 1839:

The Sub-Committee, appointed to make a comprehensive inquiry into the state of the Aborigines of British North America, present thereupon the following first part of their general Report. . . . The Committee propose limiting this first part of their Report to Upper Canada. . . .

The rights of the Indians, of Upper Canada, in their relations with Great Britain, depend on the laws of nature and of Nations; upon the injunctions of Christianity, and upon Treaties: and those rights are especially to be collected from two documents of high authority, which contain clear declarations of the duty of the Government respecting them. The first concerns them all; the second is limited in terms to the Indians of Canada; but its spirit is general also.

The first document is part of an admirable body of instructions, for the guidance of the Imperial Colonial Office issued by authority of Charles II., in 1670. The extract from these instructions as to Indians, is as follows;—

"Forasmuch, . . . as most of our Colonies do border upon the Indians, and peace is not to be expected without, the due observance and preservation of Justice to them, you are, in OUR Name, to command all the Governors, that they, at no time, give any just provocation to any of the said Indians that are at peace with us," etcetra.

Then, with respect to the Indians who desire to put themselves under OUR protection, that "be received."

"And that the Governors do by all ways seek firmly to oblige them."

"And that they do employ some persons to learn the languages of them."

"And that they do not only carefully protect and defend them from adversaries, but that they more especially take care that none of OUR own subjects, nor any of their servants, do in any way harm them."

"And that, if any shall dare to offer any violence to them in their persons, goods, or possessions, the said Governors do severely punish the said injuries, agreeably to Justice and right."

"And you are to consider how the Indians and slaves may be best instructed in, and invited to, the Christian Religion, it being both for the honour of the Crown, and of the Protestant Religion itself, that all persons within any of our territories, though never so remote, should be taught the Knowledge of God, and be made acquainted with the mysteries of salvation."

The second Document is part of the Proclamation of 1763, issued by His Majesty George III., upon the conquest of Canada. . . . It relates to the possession and sale of lands to the Crown by the Indians. . . .

In 1828, General Darling reported to Earl Dalhousie as follows on the subject:—

The Mississaguas of Rice Lake, consisting of 317 souls, and the Mohawks of Bay of Quinti, do not exceed 319 souls,—of these the Mississaguas of Bay of Quinti and the Rice Lake have recently been converted to Christianity by the Methodist Society, who have introduced Missionaries among the Indians here and in every part of Upper Canada where they have been able to obtain a footing. . . .

The Mohawks of the Bay of Quinti were separated from the Mohawk Nation, (in the State of New York,) about the year 1784, and settled in the Bay of Quinti. . . .

The Chippawa Indians amount, upon an average to 520 souls; they occupy the lands about Lake Simcoe, Holland River, and the unsettled country in the rear of York. . . .

The present state of the Mississaguas of the Credit tribe, amounting to 180 souls, affords, in my humble opinion, the strongest encouragement to extend to the other tribes, now disposed to Christianity and civilization, the experiment that has been tried by His Excellency Sir Peregrine Maitland, with every prospect of success with these Mississaguas. They are now settled on a delightful spot on the banks of the Credit, about 16 miles from York, in a village consisting of 20 substantial log huts, 18 feet by 24, having an upper story, or garret, to each.\* They

\* Referred to as a Mission Station on page 123, ante.



have a School House for the boys, (in which is combined decent arrangement for the performance of divine service, which is regularly attended), and another for the girls. The progress made in the former is highly creditable to the Superintendent, \* considering the short time it has been established. I found it attended by 31 boys, most (every young, who spelt and read fluently in English; they also answered several questions which I put to them promiscuously from the Church Catechism, and sung a hymn, remarkable for the loyalty of its sentiments.

Under 2,000 souls of the Mohawk and others of the Six Nations are settled on the banks of the Ouse, or Grand River, a fine and fertile tract of country, which was purchased from the Chippewas, (the native Aboriginies), exclusively from them when they were brought to this country from the Mohawk River, in the State of New York, at the termination of the Revolutionary American War. The Proclamation of Sir Frederick Haldimand, which constitutes, I believe, their only title, allots them "six miles deep from each side of the river, beginning at Lake Erie, and extending in that proportion to the head of the river."

I submit, with all deference, whether it is not worthy of the liberality of the British Government to encourage the disposition now shown generally amongst the resident Indians of this Province, to shake off the rude habits of savage life, and to embrace Christianity and civilization. It appears to me that this would not be attended with much expense. A small sum, by way of salary, to a School Master, wherever a school may be formed, say four or five in the whole; a trifling addition to the salary of the present Missionary, who is paid by a Society, and of a second, if appointed, which I believe is contemplated by the Lord Bishop of the Diocese; and some aid in building School Houses. There are Chippewas who have prayed urgently for a Missionary and School Master to be sent amongst them.

In the same year, Bishop Stuart, of Quebec, reported to the Governor of Canada in a Letter dated Quebec, 22nd April, 1829, as follows on the subject:—

The first step towards the improvement of the Indians is to settle them in villages; to make them stationary on the lands during part of the year, without which they cannot attend to agriculture, have any of the comforts or good habits of domestic life, or cultivate religion, or education. . . . The Schools at present established amongst the Indians in Upper Canada are: One in the Bay of Quinte, supported by the Society for the Propagation of the Gospel in Foreign Parts; another, on the Grand River, was formerly supported by the same society, but this last School is superseded by those lately established by the New England Company of London. This Company has recently turned its attention to the civilization of the Indians in Upper Canada. In 1827 they stationed a clergyman of the Church of England, the Reverend R. Luger, on the Grand River. They have expended considerable sums of money in instituting Schools. . . . They have supported a good School in the Bay of Quinte for several years, and they have two or three Schools commenced (at the Credit) in the vicinity of York; they are about to send a Missionary to reside in that neighborhood. Their School Masters teach the children in English and it is certainly a preferable system, circumstanced as the Indians are in Canada, to that of instructing them in their own tongue. . . .

The Methodist Society support several Schools among the Indians in Upper Canada, and their Preachers minister to them in several parts of the country. They have been very successful in converting a great portion of the Mississagua tribe from heathen ignorance and immoral habits to Christian faith and practice, and this improvement has been so great and rapid within these few years, that the hand of God seems to be visible in it, and it must be acknowledged that they have done much in the work of their civilization. . . .

Schools now in operation under the Superintendence of the Methodist Conference Missionary Society are the following:—

	Scholars.	Teachers.
Grand River, Davisville .....	10	Seth Crawford.
Grand River, Salt Springs .....	25	H. Martyn.
River Credit .....	28	J. Jones.
River Credit, Female School .....	23	Miss Sillick.
Grape Island .....	35	{ William Smith and Miss Yeomans.
Rice Lake .....	42	Hamilton Biggar.
Lake Simcoe Island .....	25	William Law.
Lake Simcoe Island, Holland Landing .....	31	Miss Edmondson.
Muncey Town .....	42	John Carey.
Malden, River Canard .....	20	
Total .....	251 Scholars.	. . .

\* The Superintendent of the Credit Mission in 1827 was the Reverend James (afterwards Bishop Richardson), and in 1828 the date of this reference—the Reverend George Ryerson. (Page 125, ante.)

In 1830, also, Sir John Colborne reported to the Secretary of State for the Colonies as follows: . . . "The three tribes residing on the shores of Lake Simcoe, and near the Matchedash River, and the Pottawattomies from Drummond Island, have been placed under the charge of a Superintendent of the Indian Department, and urged to clear a tract of land between the Lakes Huron and Simcoe. . . . Agricultural implements have been procured for them, experienced farmers have been engaged to instruct them, and School Masters have been appointed to educate their children. I have taken steps also to establish a Central School, at which a certain number of children from each tribe in Canada may receive an education that will qualify them in a few years to become teachers. . . .

J. COLBORNE.

YORK, 1830.

In the next year, 1831, the Reverend Peter Jones was in England; and showed the Secretary of State, that the Indians of Upper Canada had of late much improved in civilization. . . .

One of the last appeals made by Mr. Peter Jones in England last autumn, 1838, was for help to found a Manual Labor School at the River Credit; but the appeal was made in vain. The Government seems to leave this whole subject in a great measure, either to voluntary societies, such as the Colonial Missionary Society, the Colonial Infant School Society, the Moravians, the Baptists, the Church of England, and above all, to the Wesleyan Missionary Society; or to such a body as the New England Corporation. The operations of the former Societies are well known to the Committee. They are highly useful, but the superior claims of the more populous parts of the world, deprive the Canadas of a sufficient supply of Missionaries from them. . . .

At a solemn Meeting of Indians in a remote part, in 1827, a Speaker appointed by the whole Band, addressed the Commanding Officers in the following terms:—

"FATHER, we thank you for assembling your Officers to listen to our discourse. FATHER, we have observed, with some degree of jealousy, the establishment of a place at Michilimackinac, at which, (a Missionary School,) the children (Indians) of our GREAT FATHER are taught the means of living in the same way as the Whites do, where they also learn to mark their thoughts on paper, and to think the news from books, (*i. e.*, to read and write), as you do; we have heard too, MY FATHER, something which gives us hopes that OUR GREAT FATHER will give us the means to live as the White people do. . . . FATHER, we might send our children to Mackinac, to get sense, (*i. e.*, be instructed), but we are not Big Knives, (*i. e.*, Americans), therefore, we wish you would deliver this our parole to our FATHER at York, and tell him our wants. You have been a long time with us, and know our misery. Tell him we want such a School House and good people, as they have at Michilimackinac, to teach us to Read and Write, and to work; we have arms, as well as the Whites, but we do not know how to use them." . . .

In the practical notes on Canada in 1833, by the Honourable Adam Ferguson, an Advocate of Edinburgh, (now in Canada,) it is stated, (page 134), that in Brantford, belonging to the Mohawks, many of the Indians, by steady progress in acquiring knowledge, and in managing their farms, afford sufficient evidence of their capacity to be weaned from dissolute habits.

Another witness to the fact that Indians are capable of being civilized, is Mrs Jameson, who is the more trustworthy, inasmuch as her narrative directly contradicts the theory as to the incapacity of Indians for civilization. . . . Her own experience is of the recent date—that of 1836 and 1837. . . .

Mrs. Jameson was singularly fortunate in her opportunity of observing the Indians. She became personally acquainted with a remarkable member of a remarkable native family, into which she was ultimately adopted after the Indian fashion. This was the Wife of a Missionary of the Church of England, the Reverend William McMurray, by whose attention another member of their family,—Mrs. McMurrays' Sister, married to the well known and scientific American, Schoolcraft,—was prepared to receive Mrs. Jameson, with a refined hospitality, which was justly repaid by our Traveller's warm acknowledgements. The two Sisters, and their children, their Brother and the Interpreter were charming Indian studies to Mrs. Jameson. . . . But it is impossible to pass by lightly the Mother of these two Superior Indian Women. She is celebrated for her traditional lore, and for her poetic and inventive faculties, inherited from her father, Waub-o-jeeg, the greatest poet and story-teller, as well as the greatest warrior of his Tribe.

MORAVIAN INDIAN SCHOOLS. In a letter to Lord Glenelg, Colonial Secretary, from the Reverend P. Latrobe, Secretary of the Directing Board of the Church of the United Brethren, dated September the 29th, 1837, reference is made to the gift by the Government in 1793,—resurveyed in 1799,—of 50,000 Acres of Land on the Banks of the River La Tranche, (now Thames), to the Moravian Brethren for the sole use of their Indian Converts; but part of which the Moravians surrendered to Sir F. B. Head.



## CHAPTER IX.

TRANSITIONAL PERIOD IN THE HISTORY OF EDUCATION IN  
UPPER CANADA.

The passage of the Common School Act of 1841, marks a period of transition in the history of Education in Upper Canada.

The first period was, in those early days, when there was no system of Schools, no supervision, no uniformity in management, or in teaching. Every one seemed to educationally "do what was right in his own eyes." The second period,—so far as Teachers and teaching were concerned,—is thus characterized by the House of Assembly, in an Address, which was presented by that House to His Excellency Sir John Colborne, the Lieutenant Governor, in December, 1831. The Address, thus refers to the inadequacy of the Common School Fund to maintain the Schools.

We, . . . the Commons House of Assembly. . . beg leave to represent that there is, in this Province, a very general want of Education ; that the insufficiency of the Common School Fund to support competent, respectable and well educated Teachers, has degraded Common School teaching from a regular business to a mere matter of convenience to transient persons, or common idlers, who often stay for but one season, and leave the Schools vacant until they accommodate some other like person ; whereby the minds of the youth of this Province are left without due cultivation, or, what is still worse, frequently, with vulgar, low-bred, vicious and intemperate examples before them, in the persons of their monitors.\*

A third period extended from the time, in 1836, when an elaborate Report on Common School Education which was presented to the House of Assembly by Doctors Duncombe, Bruce and Morrison, until 1841, when Upper and Lower Canada became united under one Legislature. In the meantime, Commissioners were appointed by Lieutenant Governor, Sir George Arthur, (in, October, 1839,) to "examine into the present state of Education throughout the Province" of Upper Canada. In their Report to His Excellency, they say :

At present, the Committee have reason to believe that but too many Teachers, receiving the Government allowance, are to be found unfit for this responsible station, from their want, either of literary, or moral, qualifications.

The cause of this unfitness, your Committee believe to be, the inadequate remuneration which is held out to those who would embrace this occupation. In this Country, the wages of the working classes are so high, that few undertake the office of School Master, except those who are unable to do anything else ; and, hence the important duties of education are often entrusted to incompetent and improper persons.†

The Earl of Durham, Lord High Commissioner to Canada, in his memorable Report on the state of the Canadas, in referring to the state of Education in Upper Canada, in the same year, (1839) says :—

Even in the most thickly peopled districts there are but few Schools, and those of a very inferior character ; while the more remote settlements are almost entirely without any. (*Page 66 of Lord Durham's Report, printed by order of the Imperial Parliament.*)‡

\*Page 51 of the Second Volume of this Documentary History.

†Pages 248, 249 of the Third Volume of this Documentary History.   ‡*Ibid*, page 241.



The Right Reverend Bishop Bethune, who was a Commissioner of Education under the Common School Act of 1841, and also a Trustee of the Newcastle District Grammar School, in referring to the condition of the Common Schools in the early days, says :

The means for the education of those, who were not in a condition to avail themselves of the instruction afforded in the Grammar Schools, were, at the time, very meagre and unsatisfactory. . . . In our Towns and Villages, and here and there in the country, there were Schools of a very humble order, —the Teachers, sometimes men of respectability, but oftentimes, the reverse, both as to acquirements and habits of life. . . . and the majority of the scholars only attended School in the winter months. . . . The duty of ameliorating this condition of things forced itself early upon Doctor Strachan ; and, very much through his influence and exertions, a Law was passed in January, 1824, [continuing the Act of 1820, which made] a certain grant to each District for Common School education, and appointing a Board of Education in each District to examine and admit Teachers ; but there was this defect in the organization of the system, that no adequate provision was made for the superintendence of these Schools,—no arrangements for a periodical visit to them, so as to ensure the proper attention to their conductors, and to examine into and remedy complaints, where they were preferred. *Memoir of Bishop Strachan, (1870), pages 105, 106.\**

Such was the sober official record of the educational state of things in Upper Canada up to the time, when the Honourable Solicitor General Day introduced his Common School Bill into the House of Assembly, in 1841.

#### SKETCHES OF EARLY SCHOOL LIFE IN UPPER CANADA IN RECENT HISTORIES.

It is only recently that the everyday, practical, home life of the elementary Common School of Upper Canada has received any attention from writers on local historical subjects† Among the most satisfactory of these Sketches, of rural School life “in the olden time,” its concomitants and surroundings, are (1), those written by Mr. David Boyle, Archæologist, of Toronto, and his Correspondent, Mr. David Martin, in “*The History of Scarboro’, 1796-1896.*”

(2) A similar short sketch of rural School life is given in Mr. Adam Harkness’ “*Semi-Centennial History of the Iroquois High School, 1845-1895.*”

*Ibid, page 245.*

†Among the most important of these Sketches of local History, which contain references to Schools and Education, in detail, more or less full, are the following :

1. In The Days of the Canada Company. By Robina and Kathleen MacFarlane Lizars, 1825-1850. 1896.
2. The History of Scarboro’, 1796-1896. By David Boyle, Archæologist, 1896.
3. Semi-Centennial of the Iroquois High School. By Adam Harkness, 1845-1895. 1896.
4. Harrison Hall and its Associations, Chatham. By His Honour Judge R. S. Woods, Q.C., 1896.
5. Sketches of the County of Elgin. The Journal Office, St. Thomas. Ontario 1896.
6. History of the Early Settlement of Bowmanville and its Vicinity. By J. T. Coleman, 1875.
- 7.—(1) The Frontier Churches 1890.  
 (2) Niagara, One Hundred Years ago. 1892.  
 (3) St. Andrew’s Church, Niagara 1794-1894. 1895. } By Miss Janet Carnochan.
8. Reminiscences of the Early History of Galt, and the settlement of Dumfries. By James Young. 1880.
9. Past History and Present Condition of the Common, or Public Schools of the City of Toronto. 1859.

(3) The Editor of the *St. Thomas' Journal*, (Ontario), has also been publishing, during the year, a series of prize sketches of the history of the various School Sections in the County of Elgin.\*

4. In addition, the Misses Lizars, in their work "In the Days of the Canada Company" have incidentally given here and there in their Book, glimpses of School-life in the "Huron Tract," as it was called.

In these several series of Sketches, we have a very intelligent account of the condition of Education, and of the rural Schools in the Eastern, the Central and the Western parts of Upper Canada in the early days of their history.

Mr. Boyle, (and his Correspondent, Mr. Miller), in the *Scarboro' series*, write from their own personal knowledge. Their "Sketches" are drawn from life, and are, therefore, the more truthful, as they are striking and interesting. Mr. Boyle says :

The occupation of a Teacher in the early days was not, in every respect, a happy one. In nearly every instance the Teacher was a man, no one else was thought able to rule the rough-and-ready youngsters of pioneer days. At an early age the boys of the farm were initiated into the mysteries of "hunting" the cow, "branding" animals and "niggering" legs in the new clearings ; "minding gaps," driving oxen, blazing away with old flint-locks at predaceous crows and hawks, and of numerous other employments, many of which are now rendered unnecessary by the march of events. The associations connected with some of these experiences, coupled with the lack of home comforts and conveniences, and the general extremely natural condition of society, did not tend to foster in the young people of those days what we call "refinement." The parents had neither time nor inclination to concern themselves about manners, and, as a consequence of these and other factors, discipline was frequently very lax. Given, therefore, from a dozen to a score or more of precocious backwoods boys and girls, crowded into a small log building, in no wise characterized by commodiousness within, any more than by architectural beauty without, we may well cease to wonder why the grandparents and great grandparents were less amenable to discipline than are the young folk of our own day.

#### SCHOOL TEACHERS AND THE SCHOOL-HOUSE OF THE OLDEN TIME IN UPPER CANADA.

But this was not all. The old-time Preceptor had no knowledge of educational principles ; he entered the School and left it a tyrant in the worse sense of that word. His professional creed was summed up in the easily understood and easily applied dogma "No larnin' without lickin'." An old soldier, a decayed tailor, an otherwise unsuccessful anybody was good enough for a school-master, if only he could prove his claim to be a master after the approved manner of his day and generation. All things considered, his pay was not bad—it was not, at any rate, much worse than salaries paid to-day, when qualifications are taken into account. Indeed, if we gauge the scale of payment in early days by the ability on the part of parents to pay it, it was very high. Consider, also, the delights of the erstwhile dominie, when he "boarded 'round!"—a week here, two or three weeks there, in proportion to the number of young rebels from one family, over whom he had to raise his rod, aye, and let it fall too ! What splendid opportunities were afforded him to gain a varied experience of sleeping quarters, of cookery, of domestic etiquette, of the home influences brought to bear on his pupils, to display his own erudition and exalt his attainments before the old folks, to increase his stock of knowledge from the recitals of others, and to become familiar in every sense of the word with "the people of the parish."

\* Mr. James H. Coyne, of St. Thomas, in a recent Note, written in reply to one on the subject of these "Sketches," says : "The information which you desire will be obtained in the new series of "Sketches" now going through the *Journal*. These were procured through the Institute, whose Officers pass upon the various papers submitted, and award a silver medal—the gift of the Editor, J. S. Brierley, Esq.—for the best History of each School Section. . . . Some of the papers which did not win prizes possesses merit. . . . The Institute (above referred to) is "The Elgin Historical and Scientific Institute"—of which Mr. Coyne is an ex President. The Institute published, in 1895, a book of "Historical Sketches of the County of Elgin." Of these "Sketches" Mr. Coyne says : "They were only intended as sketches of the general history of the County ; the first part (by myself), giving what is known prior to the arrival of Colonel Talbot ; the second part (by Judge Ermatinger), giving a brief account of the Colonel (Father of the Talbot Settlement), and the third part (by Mr. K. W. McKay) setting forth the history of the municipal organization of the County of Elgin. (See page 137, *post*.)"



School fittings were extremely simple in character, long backless benches, sometimes so high that when the children were seated their feet did not reach the floor; a chair and table, perhaps, for the Teacher, and we have the furniture of the old-time School-house, unless we add the stove, which, in its time, superseded the big fire-place, with its roaring chimney. Yes; this was all. The first School-rooms were innocent of pictures, of maps and charts, of globes, of blackboards, and of the numerous appliances that are now to be found even in the poorest Schools. But changes came in due course; and, as the circumstances of the people improved, comforts and conveniences were added for the benefit of pupils.

#### KIND OF SCHOOLS IN THE EARLY DAYS OF THE TOWNSHIP OF SCARBORO'.

It must not, however, be supposed that these details were in every instance applicable to our Township (of Scarboro'), the pioneers of which had, in most cases, received the benefits of parish school education, including, it need hardly be said, a thorough grounding in Christian doctrine, both directly from the Bible, which was the Text-book for reading purposes, and from the pages of the "Shorter Catechism."\* These people were, therefore, not likely to overlook the amenities of everyday life, either in the domestic or in their somewhat restricted social relations; and, when children appeared in the clearings of Scarboro', they were brought up with nearly as much rigidity of discipline as if they had been in the "land of brown heath and shaggy wood." English, Irish and American settlers were also of an intelligent class, with clearly defined ideas regarding the respective duties of parents and children, and the advantages pertaining to a Common School Education. We may, therefore, readily understand that in settlements so constituted, much interest would be displayed in providing for the young people as good Schools and School Masters as were possible at the time. Notwithstanding this, it is evident that the circumstances of the settlers necessarily implied the existence of conditions which, while they were not by any means approved of, had to be tolerated; and there is no lack of proof that the "backwoods Seminaries" in Scarboro', at the beginning of the nineteenth century, and, even somewhat more recently, were not of a type greatly superior to those of other districts.

The following from the pen of Mr. David Martin, who himself received his education under Scarboro' School Masters, is an excellent epitome of educational affairs in his day, but it must be remembered, that the genuine old-time School had, by this time, been considerably improved upon, although he makes some reference to the condition of things preceding his own experience. He says:

"For many years, indeed during the first half of the century, the School Houses were of the most primitive kind. The fore-t furnished the readiest and cheapest material. The logs, if of pine, were flattened on two sides; if of hardwood, they were generally left round, dovetailed in the usual way at the corners, the interstices between the logs being chinked and plastered. In size, the buildings seldom exceeded 18 x 24 feet, and were never too high. The fire-place usually occupied one end, and desks, facing the wall, ran round the other three sides. The seats consisted of long forms without backs. Similar forms, or benches, placed crosswise in the centre of the room, furnished seats for the smaller children. The limited space forbade anything in the shape of desks—those 'luxuries' being reserved for pupils in arithmetic and writing. Light was admitted through long windows, similar to those common in blacksmith and carpenter shops, and were usually two panes high and ten or twelve panes long, the sashes sliding past each other horizontally, for purposes of ventilation. In winter, fuel was supplied by the parents, who were required to bring a quarter of a cord per pupil. The Teacher was promised no stated salary, but received a rate per pupil (commonly three shillings and ninepence currency, or seventy-five cents, per quarter)—taking his chances of emolument—the more pupils, of course, the more pay. In the early part of the century it was not uncommon for the Teacher to receive his board gratis, staying a few weeks with one and another of the families represented at the School. If unmarried, which was often the case, he sometimes lived in the Schoolroom, keeping 'bachelor's hall.' The number of teaching hours was alternately thirty and thirty-six per week, each alternate Saturday being a holiday. About the year 1860 a change was made, in the time of teaching, it being reduced to five days per week.

"It will readily be seen that, as long as the Teacher was paid, as described above, the Schools were situated without regard to any kind of system, the first consideration being the desirability of a large attendance. Indeed, this was the chief factor in determining where a School should be placed. The method of locating School Houses continued until 1847, at which date a change took place.

#### AN EDUCATIONAL CHANGE FOR THE BETTER IN THE TOWNSHIP OF SCARBORO'.

"The Township of Scarboro' was in 1847 regularly divided into School Sections, almost exactly as they are at present, new Schools being erected in the centre of each Section. For the building and maintenance of these Schools, Trustees were empowered to levy a rate on the Section. Among other advantages this enabled the Trustees to engage a Teacher at a certain fixed salary. A Rate-bill, of commonly twenty-five cents per month, per pupil, was charged; and, if the amount so collected failed to pay the stipulated salary, a tax was levied on the ratable property of the Section to supply the deficiency. All the expenses of conducting the School—fuel, repairs, etcetera—were provided for by general taxation.

\* This old-fashioned system of grounding in the teachings of the Bible is constantly urged as being essential in these later days.



"For a long time great difference of opinion prevailed as to the relative merits of Free Schools *versus* Rate-bill Schools, and, as the matter was for a number of years entirely optional with the ratepayers, the question as to which should be adopted, recurred regularly, at the annual School meeting, and very heated discussions sometimes took place, a poll frequently being opened. Adherents of the respective systems drummed up votes with as much enthusiasm as at a parliamentary or municipal election. Opinion, however, gradually settled down to the conviction that, on the whole, the Free School system was the preferable one; opposition to which having almost entirely ceased, the Schools were finally (but not until 1871) declared free, by law.

#### THE QUALIFICATIONS OF TEACHERS, AND MODE OF TEACHING, IN THESE OLD DAYS.

"In these early days, very high qualifications on the part of Teachers were not demanded, and were seldom secured—ability to teach the three 'R's' fairly well being considered sufficient. The method of teaching differed widely from what it now is. The younger children were taught individually, until sufficiently advanced to read and spell words of one or two syllables, when they were put into classes for reading and spelling, these being the only subjects the pupils were taught collectively. For those in writing, the Teacher usually set the headlines by hand, in addition to which he had, in many instances, to rule the paper, and make and keep in order the quill pens, which were the only kind in use. Steel pens were introduced sometime in the 'forties,' but did not come into general use until about 1850. To pupils in arithmetic, no two of whom were probably working in the same part of the book, the Teacher had to give his attention individually.

"The First Book, or Primers, used were such as the fancy, or caprice, of the parent might dictate; and, as they were not taught in classes, uniformity was not a necessity. After the Primers, Mavor's—a combined reading and spelling book—was in almost universal use. For the more advanced pupils, Cobb's, Webster's and Carpenter's Spelling Books were employed by some Masters, but their introduction never became general. In reading, the Bible, Testament and the English Reader, were the principal, indeed the only, text-books, the last-mentioned being composed of selections from the most eminent Authors in Prose and Verse, compiled by Lindley Murray, Author of the well-known Grammar. Verses of Scripture were committed to memory by the pupils. Before 1850, Geography received comparatively little attention, which, in some respects, was, perhaps, not much to be regretted, as, previous to that, almost the only available books on the subject were by American Authors—strongly anti-British, conveying the impression (as American publications usually do), that the United States was the greatest, and, in fact, almost the only country, or nation, worth mentioning, on the face of the earth. Grammar was also much neglected, but, when taught, Lennie's and Lindley Murray's were the principal text-books, chiefly the former. In arithmetic, that of Francis Waringame was mostly, if not exclusively used, until superseded by the Irish National Book, in about 1850, which, in turn, became obsolete about 1858; the introduction of the decimal currency, about that time, necessitating a change. In Schools, where a large proportion of the children were of Presbyterian parentage, the 'Shorter Catechism' was taught by some Teachers, when requested by the parents, but the practice has long since been discontinued. On the whole, the Schools of the period, to which I, at present, have more special reference (in the first half of the century), were fairly efficient. The Teachers, who were mostly Old Countrymen, often Scotsmen, ruled, perhaps, with somewhat despotic sway, enforcing their authority with a sometimes pretty free use of the birch, or rather, the blue beach, a vigorous application of which, now and then for purposes of discipline, was thought to have a salutary effect. But, whatever their faults in this respect (if they were faults), and however slender their attainments, the old-time Teachers succeeded, to a fair extent, in imparting to their pupils the rudiments, at least, of a good education, and comparatively few of the children of those early settlers were to be found who could not, at any rate, read and write."

Mr. Boyle then proceeds:

In the 18x24, log school rooms, it will be readily understood, accommodation was not ample during the winter months, when even the grown up young people availed themselves of the opportunity afforded, by slackness of work, to attend school, more especially when, as sometimes happened, the reputation of the Teacher stood high. Hats, caps, and wraps of all sorts were stuffed into desks, for the want of nails and hooks on which to hang them. Windows were frequently destitute of several panes of glass, chinking fell out. Knot holes in floors were covered with prominent patches; desks and benches became loose and creaky; doors ceased to fit their frames, or, perhaps, rather the frames ceased to fit the doors, for it was not uncommon for the whole structure to assume an appearance of utter recklessness, by sinking more or less to one side, and thus generally disarranging the simple architecture.\* But, even this condition of things, was not without its compensations, chief of which was, perhaps, the advantages secured by way of ventilation.

#### A GRADUAL EDUCATIONAL CHANGE FOR THE BETTER AS TIME PROGRESSED.

Sometimes a second edifice of logs succeeded the original one in a Section; but, in most cases, the first building was superseded by a frame structure, and more recently by one of brick, or stone. With the advancement of time, came also improvement in the grounds; neat fences and gates were supplied, trees were planted, respectable out-houses erected, and the water supply attended to. In every instance these improvements have been found to "pay," both directly and indirectly, for, not only does the task of discipline become thus a comparatively easy one for the Teacher, but the effects are visible on the pupils in after life.

\* It was not unusual in the old buildings to protect the home-made ink of the pupils from freezing during winter, by burying the bottles nightly in a hole made under the floor.

## THE OLD TIME MODES OF PUNISHMENT IN SCHOOLS.

Modes of punishment in the old days were barbarous. It is recorded by one Teacher that he sometimes tied the thumb of one hand of a pupil to a string hanging from the roof or ceiling, while the other hand held a book, the pupil meanwhile, having to stand on one foot until his task was finished, or his punishment thought sufficient.

## THE FIRST SCHOOLS, SCHOOL HOUSES AND TEACHERS, IN THE TOWNSHIP OF SCARBORO'.

The first School taught in the Township was in the House of Mr. James Elliot, on lot 22, Concession D, in the extreme north-west corner of the present Section number 9. This School was taught by a man named Pocock, an Englishman, in the year 1805. The first School House built in the Township was on the Springfield farm, near the line between lots numbers 23 and 24, concession One, within a few rods of where St. Andrew's Church now stands.

*School Section Number One.* The first School House was of logs, built on lot number 31, Concession Three, in 1817; and the first Teacher was a Mr. Edward, who was followed by Messieurs John McFiggis, Joseph Maughan, or (according to one statement, Mr. Clark), Andrew McFarren, and Messieurs Hugel, Cooper, Muir, Leitch, Neally, W. D. Fitzpatrick, John McConnell (afterwards Doctor), McKinnon, Tomlinson, Field, Ramsay, Quantz and Yeo.

*School Section Number Two.* In 1830 the increase of population and the need of better facilities than were afforded by School's in distant parts of the Township, led to the erection of a log School House on lot number 25, Concession Three. The first Teacher appointed there was Mr. James Little. This Building continued to be used for nineteen years. A new one, also of logs, was put up in 1849, on the site of the present School House, on lot number 22, Concession Four. . . . The Teachers following Mr. Little were Messieurs Upham, Cooper, McDonald, Mills, Eckroyd, McKinnon, McCaffrey, William Irving (now Doctor), and others.

*School Section Number Three.* The first School was opened in this Section in 1836 in a small log building on lot number 17, Concession Four, Markham Road; and the Teachers in this old structure were Messieurs James Park, Alexander Muir and — Hand . . . .

*School Section Number Four.* The first School Section was a union one with Pickering; the School House standing on the Town Line; and the first Teacher was a big Scotsman, named Ferguson, of whom all that two of his old pupils, now living, can remember, is the force and frequency with which he applied the "taws." The other Teachers were Messieurs Reesor, Break, Clarke, Spence, Johnson, and others. . . .

*School Section Number Five.* About 1823, or 1824, the first School was established in this Section, the humble building having stood on the north-west corner of lot number 26, Concession One. A Mr. Carruthers taught here in 1824; a Mr. Dobson was Teacher in 1830; a Mr. Hope in 1836; and then followed: Messieurs Clark, McFiggis, Muir, O'Reilly, Closson and James Russell.\* When the Township was divided into School Sections, in 1847, a new frame School House was built in the south-east corner of lot number 30, Concession Two. . . .

*School Section Number Six.* The first School-House in the Township was built within the bounds of the present Section Number 6. It stood on the Springfield Farm, lot Number 23, Concession One, and was built of round logs, with saddle corners and one door in the end. It cannot now be ascertained with certainty who the first Teachers in this School were. For some years it was used as a Church. The next Building in Section Number 6, was erected on lot Number 24, Concession One, on the corner of the graveyard lot. The old men of to-day speak of playing hide-and-go-seek among the tombs when they went to school here. The House was made of hewn logs, with a door and two windows in the side, and a fire-place at the end. Here Mr. John Taber taught. The third School-House was built on lot Number 19, Concession Two. It was a frame Building. Mr. John Muir taught here for many years. The present brick Building was erected in 1864, on lot Number 18, Concession Two. It has a senior and junior department. The Teachers in Number 6, as far as can be known were Messieurs—Anderson John Taber, J. Muir,—Gibson, A. M. Sheriff and others. . . .

*School Section Number Seven.* The first School House was on the Fishery Road, and was an ordinary square Building of plank erected in 1832. The first Teacher was Mr. John Wilson, a Yorkshireman. The second Building stood on lot Number 14, Concession D on the side road. The Reverend Saltern Givens frequently held Episcopal service here. Methodist Ministers also held service here. The third School-House was built on the West Hill.

\* Mr. Russell lived near the Rouge,  $7\frac{1}{2}$  miles from the School (which he taught in the early "fifties"), and, as there were in those days, no Saturday holidays, he had to walk ninety miles a week to and from School, to which, if we add another fifteen miles, to and from St. Andrew's Church, on Sunday, we have a total of 105 miles a week, or nearly 5,500 miles a year.



*School Section Number Eight.* Not fewer than six School Houses have existed in this Section, one stood . . . close to the intersection of the Danforth Road and the side-road between lots Number 26 and 27, Concession C. . . . No dates can be given in connection with these Buildings. The site of a third School was on the side-road between lots Number 34 and 35, Concession C. This School was built about 1824, and was taught in 1826, by a Roman Catholic, named Fitzgerald. After him came Mr. John (afterwards the Reverend Doctor) Carroll, an eminent Methodist Minister, who died not many years ago. Still later, but prior to 1833, the Teacher was Miss Hannah Fitzpatrick, and afterwards Mr. William Thomson. This Building was removed to Moffat's Corners, and re-erected on the York side of the Town-Line. Miss Fitzpatrick also taught in an old Church, which was removed to York, and thence to Wexford. The fifth Building used as a School stood on the north end of lot Number 32, Concession C. . . . The Teacher was a Perthshire Scotsman, named Mr. David Ogilvie. This was about 1835. Another old School-House stood on the north end of lot Number 32, Concession One. It was erected as nearly as can be ascertained, about 1838, of flattened pine logs, and measured about 18 x 26 feet. It was first taught by Miss Mary Branham, and afterwards by Mr. David Ogilvie, from 1842 to 1844; by an Englishman, named Mr. Thomas Adams from 1845 to September, 1846; and for the rest of the year by Mr. A. Veysey. When the School Sections were re-arranged, in consequence of dividing the Township into regular School Sections, the School was removed to the centre of the Section, and Mr. Veysey continued Teacher until the end of 1849. . . . The School-House which had stood from 1846 to 1863, cost \$280. . . .

*School Section Number Nine.* The first School-House is said to have stood on lot number 18, Concession D. The second one was on lot number 19, Concession C, on the Old Kingston Road. The third was on lot number 14, Concession D. Another building used as a School-House stood on lot number 26, Concession C, and here Mr. John Taber taught in 1835. The present School-House in Scarboro' village was erected in 1861 . . . .

*School Section Number Ten.* The first School-House in this Section was built on the Danforth Road, lot number 26, Concession C, about the year 1823, Messieurs William Bell, senior, Isaac Chester, senior, and George Taylor, senior, attended school there. Mr. John Taber, taught their School for some time. In 1833, the School-House was built on the Kingston Road near the "Half-way House." Some years after this another School-House was built on the southeast corner of lot number 29, Concession C. This afterward gave place to the School-House on the site of the present one on the Danforth Road . . . . The names of some of the teachers are as the following: Messieurs John Taber, Simmons, Cowan and Skelton . . . .

*School Section Number Eleven.* Before 1836 the first log building used as a School-House, was on lot number 4, Concession One. The Teacher Mr. Sammons (or Salmons) He boarded from house to house, but slept in the School-room, rolling his bed up in a corner, every morning. In 1836, a Building of planks was put up for a School-Room, on lot number 3, Concession One, Kingston Road. For its day this was rather a superior structure, with a cottage roof . . . . From 1837 to 1843 the Teacher was Mr. Hugh Graham. He was succeeded by Mr. William Steele until 1850.

*School Section Number Twelve* was formed out of School Section Number Ten in 1894.

In an old frame School-House that stood near the Gates Tavern, between 1840 and 1845, the Teachers were Messieurs Salmonds, James McIntosh, William Skelton, John Boyle, John Jackson and Thomas Moodie.

Mr. A. M. Sheriff once taught at "McHenry's," on the Danforth Road, one and a half miles east of Woburn.

Before the appointment of County Superintendents, the Gentlemen who acted as Township Superintendents in Scarboro' were the Reverend Messieurs George, Belt, Laing, and Fletcher

Among all the Dominies who have exercised sway in this township, Mr. Thomas Appleton deserves special notice. He was a Yorkshire man and a Methodist, who came to Upper Canada in 1819, and began to teach school in the same year in Scarboro', remaining here for twelve months. He next taught in the Township of King for four months; when he was appointed to take charge of the Common School in the Town of York where, . . . . he managed the School most satisfactorily for a year.\*

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\* The case of Mr. Appleton is fully explained on pages 174-177, and on other pages of the First Volume, and on pages 18, 169, 170, 189, and 280 of the Second Volume of this Documentary History. Mr. Appleton's was a noted case at the time, (1818-1820.) He was removed, as a Common School Teacher in York, to make room for a Church of England, National Central School, which was taught by Mr. Joseph Spragg, who had been brought out from England for that purpose.



## RURAL SCHOOLS IN THE EASTERN PART OF UPPER CANADA, 1784-1840.

From an interesting book of local history, recently published by Mr. Adam Harkness, of Iroquois, entitled the "Iroquois High School, 1845-1895, a Story of Fifty Years," I have selected that portion of it which relates to the establishment in the early days of elementary Common Schools in the County of Dundas. The Sketch of these Schools, with their Teachers and "surroundings,"—their interior fittings, (or rather want of fittings), and their exterior appearance, is most graphically given, and will be read with interest—the more so as the characteristics of these Schools differ so entirely, in every respect, from the corresponding Schools of to day, in the same County. Nothing so clearly shows, (as illustrated by this contrast), what a wonderful advance has been made in this Province in the condition and character of these Schools—their fittings, appliances, Teachers and Text Books, since the time, when log School Houses, and Teachers, who had to live on a "rate per pupil," and "board round" was the normal state of educational affairs amongst the early settlers of Upper Canada.



FIRST STONE SCHOOL HOUSE ERECTED IN THE TOWNSHIP OF MATILDA, 1840.

The above is an illustration of a substantial Stone School House,—the first of the kind, which was erected in the township of Matilda, in 1840. It was greatly superior to the generality of the ordinary log School Houses, which were almost always the only ones which were erected in Upper Canada down to 1850, or later.

Mr. Harkness in his History of the Iroquois High School, says:—

The country along the St Lawrence River, and for two or three Concessions back from it, was first settled by United Empire Loyalist soldiers and their families, who came over from the United States at the close of the Revolutionary War, in 1784. The rear part of the front Township, and the Township in the rear of it, were subsequently occupied, partly by descendants of the first settlers, who had been less fortunate, or less successful, than their neighbours, and had been compelled to move in and, where land was cheaper, and partly by immigrants; these latter came principally from the North of Ireland.

Most of the settlers came from, what might be termed educating Countries. Whether from New England, or New York, from Ireland, or Scotland; they had learned to value education; and one of their first cares was to provide the means of preventing their children from growing up altogether unlettered.\* This could not be done without considerable exertion on the part of the parents, and at some personal sacrifice.

The School-Houses were built either in the centre of some settlement, or at "cross-roads," where three or four of the small settlements could be accommodated. They were almost invariably of logs, and were generally from eighteen to twenty-four feet square, and about seven or eight feet in height to the eaves. The writer has a very distinct recollection of one that may serve as a sample. It was placed in the centre of a large wood more than half a mile from any house, and where two roads crossed, or four roads met, and it accommodated the clearings, or settlements, on each of these roads,—the children being required to travel from a mile to a mile and a half. It was eighteen feet square, built of dressed logs, rather neatly dovetailed at the corners, and the interstices between the logs chinked and plastered. It was floored and ceiled, the ceiling being slightly over six feet from the floor. The roof, (what is called a square one), was shingled. In the centre of each end, and also of the back was a long low window, while in the front was a similar window near one corner and a door near the other;—this latter window was for the "Master," while the others were intended to light the desks, which extended all the way along the back, and across the ends, until they passed the windows. The largest pupils, those that were writing and "cyphering," used these desks, sitting on boards with their faces to the wall, while the smaller ones occupied low benches ranged around the stove, which occupied the centre of the room. The Teacher had a Chair and a little Table in the corner by the front window, and the corner behind the door held the wood-pile, a broom and sometimes a water-pail. The house had been built by the neighbours,—the logs being cut in the surrounding bush. One neighbour would furnish a few boards, another a few shingles. Just how the nails were paid for, we never learned, but one old gentleman who had lost his wife and had quit housekeeping, furnished the little Table, which was the only piece of painted furniture in the Room. In this Room gathered daily, during a considerable portion of the year, twenty to thirty pupils, between the ages of five and fifteen years, and, during the winter and spring months, a few of the pupils were nearly grown men and women.

The Teachers, until near the middle of the century, were nearly all Old Country people,—mostly men who had received a fair education, but who had missed, or made shipwreck of, their chances in life. They had come to this Country, and not being adapted to farming, resorted to teaching as a means of livelihood. The parents paid whatever might be agreed upon, per month, for each child; there was a small grant from the Government, and the Teacher, unless he had a family, "boarded round." The text books were such as each parent provided for his children; and those bought for the eldest were handed down from child to child, until the whole family were served. The system was primitive, but the results were not altogether unsatisfactory.

Among the text books used were the old English Reader, Mavor's Spelling Book, a variety of Arithmetics,—among which Francis Walkingame's figured conspicuously; Murray and Lennie's Grammar; sometimes a book on higher Mathematics, perhaps furnished by the Teacher, and, in some Schools, "Testaments,"—as the New Testament was designated. The literature of the Readers was mostly from the writers of the early part of the eighteenth century.

The Teachers, much as has been said in their disparagement, were frequently men of considerable cultivation. They had seen something of the world, and, in many instances, had mixed with men of culture. When they "boarded round," they were usually,—the men especially—welcome guests in the homes where they stayed; and, it is not unreasonable to suppose, that

\* Mr. James Croil, in his "Dundas: a Sketch of Canadian History," says:—"The duty of instructing their children seems from the very earliest time of the Settlement, to have been recognized; and although, of necessity, a few years elapsed without a School House, yet from the very first, the had their School Master. A good old German, whose name we cannot recall, gratuitously spent his time in going from house to house teaching,—two weeks at a time in different neighbourhoods, where the children congregated, and received such instruction as the limited time and capabilities of their Teacher afforded (Page 141). Particulars of the "first regular school" in the County of Dundas, and its Teacher, who came to Matilda in 1788, are given on page 138 of the Third Volume of this Documentary History.



their presence in a family raised and, so to speak, widened the tone of the conversation. In most families the conversation is confined to matters of interest to the several members about the house, or place, or in the neighborhood. In many cases, the mind of the Father, though it may be fairly well stored, is a sealed book to the children; the presence of a stranger of a little better, or at least different, culture, tends to draw out any members of the family that have anything to impart; experiences are related, strange and distant scenes are described; and the interest of the younger members of the family aroused.

In addition to this, the co-operation of several neighbors in the organization and management of a School has an educational influence in itself. At their School-Meetings they could discuss their ways and means, just as deliberative bodies do that have larger interests under their control. They provided for the School directly, and, to a large extent, managed and guided its course; and, though it might be vastly inferior in many respects to what is demanded by more modern standards, it was their own School, and their interest in it created a love for education and a desire among the people to promote the interest of the School, which have made the work of the modern organizer not only easy but rich in results.

But it was not until near the middle of the century that any European immigrant, any one not "of the Pale," or any "bushwacker," as residents of the back concessions were designated, was elected, or appointed, to any office higher than that of Path-master, Pound-keeper, or School Trustee. Even before the Canal was built,—perhaps not before it was projected,—the east end of Point Iroquois swamp, or rather the land adjoining, began to give evidence of becoming the site of a village. In 1827, the Post Office,—the only one in the two western Townships of the county,—which had been kept by Mr. Glassford, near the eastern side, was secured by Mr. George Brouse and was brought to this place. Here the Steamboat Landing was situated, a Mill, a couple of Stores, and a Tavern. And here, about, or a little before 1840, was built the first Stone School-House in the Township of Matilda. (See page 135, *ante*.)

About this time a Mr. John J. Kerr was employed to teach the School. He was an Irishman, who had received a liberal education, and who soon placed his School on a plane far above that of the ordinary Schools, and who, we have reason to believe, did much to create in the community a desire for higher education.

Messieurs Philip Carman, George Brouse and Charles C. Rose appear to have been School Commissioners probably appointed under the Act of 1841, which made more liberal provision for Government aid to education (than did previous Acts). The few Grammar Schools then in the Country had been established under an Act passed in 1807, and were confined entirely to the District, or, what would now be called, County Towns. It is noticeable that the early efforts to promote education in this country were directed principally to the establishment of high grade Schools. The first effort in behalf of Common Schools was made under the School Act of 1816, when a grant equivalent to about \$1.25 per year for each pupil attending School was provided. Under this Act most of the Common Schools in this part of the country were established. The Act of 1841, not only made more liberal provision for the Schools but provided a more complete organization for the management of the Schools. Its aim, however, appears to have been mainly to improve the Common School System; but the efforts made to convert the Public School into a Grammar School proved, for the time—and until 1845—unsuccessful.

## RURAL SCHOOLS IN THE WESTERN PARTS OF UPPER CANADA.

The preceding parts of this Chapter contain extracts from recent local historical publications, which illustrate the condition of the elementary Common Schools in the central and eastern portions of Upper Canada at the time of their first settlement.

The following extracts are from a series of "Prize Sketches" of the history of School Sections in the County of Elgin—published in the St. Thomas "*Journal*." They, with the additional ones which follow them, will afford an illustration, by way of comparison, with the preceding ones, of the character of the Common Schools in the western and intermediate section of this Province in the early days.

It will be noticed that all of these extracts and Sketches tell the same tale, and exhibit the same facts, as to the primitive character, not only of the School Houses and their assessories, or "surroundings," but of most of the Masters



employed in them, and also of their teaching,—scarcely extending in some cases, even to the “three Rs.” To their credit be it spoken, however, that what of the three Rs which these Masters did teach, they did it thoroughly and well.

In a number of Schools, verses from the Bible were learned, which, it is true, may not have had their immediate, or due, influence for good upon the lives and conduct of the boys and girls concerned, but which, as “bread cast upon the waters,” may have been the cause, as in many notable instances, of producing good results “after many days”

“Boarding round” was not, in all cases, an unmixed evil. Mr. Harkness, in his “Semi-Centennial of the Iroquois High School,” gives a strong and striking illustration of its good and salutary effects on a household, in the case he mentions.

### PRIZE SKETCHES OF SCHOOLS IN THE COUNTY OF ELGIN.

The following are the extracts of these Prize Sketches, to which reference has been made on page 131.

VIENNA.\* A history of Vienna would be incomplete without reference to her Schools. It is situated on the Big Otter Creek, three miles north of Port Burwell. . . . Its settlement dates back to 1818, where a School was in operation there, but it was not until 1831 that a log School House was built. This was situated on the north side of the Plank road, on the east bank of the Creek, about where Mr. L. L. Hutchinson now lives. It was taught by a Mr. Brooks. The various Religious Denominations held services in the School House, before any Churches were built. As the Village increased in size and population, it became necessary to put up a larger School House, which was accordingly done, the building being situated on the west side of Main street. (*J. T. Gamble, Vienna.*)

PORT STANLEY. The first School in Port Stanley was built on Lot 7, in 1837. Besides private Schools, the nearest School to Port Stanley before this was Brayne's School. The first Teacher in Port Stanley was Mr. McDonald. The School was a frame building, and now stands on Lot 2, Francis street. (*Neil J. Thomas, Port Stanley.*)

TOWNSHIP OF MALAHIDE, *School Section Number Three* . . . . The first School House in the Section was an old log building, which stood near the site where Lakeview Post Office now stands. The first School was organized by a man named Olfred, about 1822. In 1832, the whole settlement united and built what was known as the Malahide School House, on lot Number 28, the premises of the late Mr. John Marr. The first one to organize a School in this building was Mr. John Lannnon. Each scholar had to pay twenty-five cents a month and board the Teacher a week. School was also kept here by Messieurs Timothy Page, John Paul, Rueben Hankinson, John Howey; also Lizzie Patten, (afterward Mrs. John Marr, junior), and Elder Shook McConnel. Little Education was needed in those days to qualify a person for teaching, if he, or she, were able to read, write, spell and sum a little it was all that was required of them. The first Trustees were Messieurs Anthony See'ey, John Marr, senior and Joseph Fraser. (*Newton McCausland, Grovesand.*)

*Sch. ol Section Number Six:* In the early twenties, Mr. James McCausland took up land allotted to him by Colonel Talbot. The log House which he built on his lot: (south half of Number 19, Concession Four), became the first School House of School Section Number 6 Malahide. Education of children in the early days was provided for in the usual pioneer style, the Teacher receiving a monthly stipend and “boarding round.” The first Teacher, as far as can be ascertained, was Lydia Ostrander. After her came Letitia Cohoon; then Delilah Benner. After these came others, although the order is uncertain. (*T. T. Smith, Mount Salem.*)

*School Section Number Eight:* The first School House was a log one, built about 1825 on the same lot, as the present one. The fire-place in one end had the seats facing it. The seats were made of slabs, with holes bored for the purpose of putting in legs. This house was burned down and another log one was built. . . . The first Teacher was Miss Wilnot Van Patter, who only knew how to read and write a little. The School lasted for three months at a time, and the salary of the Teacher was two dollars a term for each pupil. The Teacher boarded around, and the family sending the largest number of children to School had to board him or her the longest time.

\* Mention of the Vienna Schools is made on page 132 of the Third Volume of this Documentary History.

*School Section Number Thirteen:* As for the School Section, I have enquired of some of the oldest people. They tell me a man would canvass the neighborhood and ask for the number of children that could attend a School, so to know what they could depend on to charge, as it was rate bill those days, the Teacher boarding from house to house, in proportion to the number attending. They generally went to School where most convenient. The first School House was made of logs, on lot Number 21, south of the Street. Among the first Teachers were a Miss Eliza Joyce in 1836, Messieurs Philip Green, a man then about 50 years old; and Lorne Tyrell, about the same age; and the Reverend Mr. Carr, Episcopalian Minister. These all taught between the years 1836-45. (*Edith May Summers, Aylmer.*)

*DUNWICH TOWNSHIP. School Section Number One:* This Section is known as the Port Talbot Section. It contains the first settlements made in the Western part of the County of Elgin, with the exception of the north-east corner, (Aldbrough). The first man to settle here, in 1803, was Colonel Talbot.

The people soon became anxious to provide some means of educating their children, and so the first School was started. It was a log Building kept by a man named Mr. Thomas Gardiner, uncle of Mr. James Gardiner, of Chatham, a private School where tuition was paid by the quarter. It stood on the south side of Parker Farm, and, in the summer, was surrounded by either flax or hemp. The flax seems to have belonged to the Master—the pupils pulled it for him. The Time Table was made up of Reading, Writing and Arithmetic. When this had been gone over, the children were taken out to pull flax till noon. The Time Table was again repeated and the children pulled flax till four o'clock. Mrs. Gardiner kept house in the other part of the building, and always got the largest girls to do the churning. This private tuition did not seem to suit the people, for a second School House was built on Mr. Crane's farm. This, too, was a log building, and stood near the road in a hollow, where now stands a large willow, planted, it is said, by the teacher, Mr. Farlane, over the grave of one of his children. The old settlers speak of this School as the "Memory School."

The Teacher lived in part of the School, and Mrs. Farlane helped to make both ends meet by keeping boarders. Among her boarders was Mr. Hercules Burwell, who became Registrar of the county of Middlesex upon the death of his father, Colonel Burwell. Trustees were not heard of at this time. Those who sent the most children to School hired the Teacher. When Mr. Farlane became a Teacher, some of the people would not send their children to his School. These built a frame School House on the dividing line between the farm of Mr. Stephen Backus, and that east of it, and hired Miss Marion Willey as Teacher. These were the first three Teachers of the settlement. (*Georgina Blackwood, Wallacetown.*)

*School Section Number Five:* The Southwold side of Iona was settled by Mr. John Axford from New Jersey, in 1812. On this farm was built, in 1816, the first School House of this part of the Country, Mr. John Robinson being the first Teacher. Other early Teachers were: Messieurs Warren Rondel, Davis, Mulholland and Hanah. The first School Trustees were Messieurs Daniel McIntyre and Robert Reed. The Books used were: the New Testament, Cobb's Spelling Book and the old English Reader. The pens were made by the Teacher from quills. On a Farm, on the south side of the Back Street, resided in a log House, for a number of years, Mr. Thomas Benson, one of Dunwich's early Teachers. He taught in School Section Number Four for a number of years. (*N. W. Brown, Iona.*)

*School Section Number Fourteen:* This School Section was, perhaps, the most notable in the in the Township, as it was the home of Colonel Talbot, Colonel Mahlon Burwell\* and Lieutenant Colonel Airey. Colonel Burwell was the means of getting Mr. Crowell Wilson, (afterwards an M.P.), to teach School at Watson's Corners, so that his boys could be taught Latin. For this he gave Mr. Wilson one hundred acres of land each year, for the four years of teaching. (*Samuel Pearce, Iona.*)

The country being so well settled, it was necessary that there should be a School. The children had previously attended the Southwold Schools, or another called the Hollow Road Schools, situated between the Iona School Section and Number 14 and attended by both, but this being removed, a Meeting of the Section was called, the result of which was that a frame School House was erected, at a cost of \$224. (*John M. McLennan, Fingal.*)

*SOUTHWOLD TOWNSHIP. School Section Number Six:* The first School conducted in this Section was in the little log House, about 1827, on lot Number 40, North Back Street, owned by Mr. Jacob Lemons. This did not continue long, the settlers deciding to build a School House on the north-east corner now owned by Mrs. Isaac Smith. This was about 1829, or 1830, and at this time the Section extended three or four miles west and to Kettle Creek on the south. The first Teacher was one Mr. Price, and the subjects, Spelling, (Cobb's) Arithmetic and Reading, the latter being generally out of the Old Testament. The building had the fire place and

\*For numerous reference to Colonels Talbot and Burwell, see the Index of each of the preceding Volumes of this Documentary History.



the slab desk and seats, and it included the birch rod, as in these days the old theory "Spare the rod and spoil the child" was strictly adhered to. Among those who taught were Mr. Samuel M. Fassett, who also taught singing school here and at Oneida. Mr. Myron H. Rowley, now of St. Thomas, Mr. Leonard Busby, and Miss Spackman, Mrs. Joseph Orchard, Fingal. Mr. Rowley taught here two years, coming here in November, 1831. An article of agreement was drawn between the settlers and the School Master and two dollars per quarter was charged, and the Teacher quite often boarded with the different settlers. (*Mark Wallis, Talbotville.*)

*School Section Number Seven*: The scholars in this settlement had to go to the Schools at Talbotville and Frome; the Kettle Creek forming the boundary between the two Sections. Mr. William Sells agitated a School nearer home, so those in the neighborhood having children helped build a frame School House on lot Number 34 south, known as the Wade, or Union School House. In 1832 money was raised by subscription to buy nails and shingles. Mr. James Jackson prepared the lumber, as he had a saw-mill on a branch of Kettle Creek. As a playground was an uncommon thing the children had to use the highway. Mr. Andrew Boyd, the first Teacher, was paid so much per scholar, and boarded amongst his pupils. The only Books used were the Bible, English Reader and Spelling Book. (*Ernest Gilbert.*)

*School Section Number Ten*: The history of the School Section is a very checkered one, dating back as far as 1811 and 1812. It was in these years that most of the settlers took up their lots of 200 acres and began the toil which has produced their beautiful farms. Most of the early settlers came from Nova Scotia, travelling most by land, often being from thirteen to eighteen weeks on the way. . . . The first School House stood in edge of woods facing the town line, about eighty rods south of Back street. It was a log one, and erected in 1816,

and was what we would now call a Union School. The first Trustees were Messieurs Daniel McIntyre and Robert Reed. The first Teacher was Mr. John Robinson, followed by Mr. Warren Rondel,—Davis,—Hanah, familiarly known as "Master Hanah," and the last Munholland.

The Books used then were: Cobb's Spelling Book, New Testament and English Reader. The Tables were written on paper and hung on the wall. The pens were goose quills. The games were mostly swinging, the swings being made by stripping the bark from basswood trees. The desks were made of boards; the seats were mere benches made by boring four holes in a plank and fastening in four legs. The next School was one that stood on south-east corner of lot Number 10, north side, and known as the "Cottage School." It was of frame, and built about 1820. The first teacher was Mr. Jackson Stafford. Mrs. Gunn and—McCartney were also Teachers, as well as Mr. Allan McLean, the last Teacher, who taught in 1834. While this School was still in existence, some dissatisfaction arose in the neighborhood, and Mr. Ira Gilbert, together with Mr. Van Velsor and some others, built the third School House that the Section has seen on the south-west corner of lot Number 8, north side. While this School was building, rather than send their children to the "Cottage School," another School was opened in the house of Mr. James Van Velsor. The School was completed in 1832, and was known as the "Seminary." Two Schools now stood in the Section within three-quarters mile of each other, and it was not uncommon to see children pass by the one to attend the other. The Teachers of the different Schools were also drawn into the strife, often going about canvassing for scholars. Better wages was also a plea for their canvassing, as they were paid seventy-five cents a scholar for three months. The Teachers boarded from house to house, a week for each scholar. The "Seminary" prevailed; and, in 1834 the Cottage School was closed and shortly after torn down. The first Trustees in the "Seminary" were Messieurs Ira Gilbert, James Van Velsor and Henry Hamilton. The first Teacher was Mr. Noah Silcox, followed by Mr. Mark Wells, William Aisworth, Mrs. Gunn and others. (*Mary Hamilton, Sheddan.*)

*School Section Number Eleven*: In 1816, Mr. James Watson gave the present School site, an acre of land, without any charges, to the Section. A log School House, 20 feet by 18 feet, was at once erected by the few struggling settlers. Most of the logs with which the School House was built were cut from this acre of land. The first Teacher was Mr. William Hannah, and the first Trustees were Messieurs John Barber, James Watson and Colonel Burwell. Mr. William Hannah taught two years, received a salary of Two Hundred dollars, and boarded with the scholar's parents. He was succeeded by Mr. William Evans, who taught for about two years. During his stay, which was about 1820, the log School House was burned down. School was held in private houses after this disaster, and was taught by Messieurs Ewen Cameron, Wells Waters and Miss Nancy Leander. In 1830, a new frame School House, in size 24 feet by 22 feet, was built on the same piece of land. The first Teacher in it was Mr. John W. Clarke, who taught two and a half years, when he died. The next Teacher was Mr. D. C. Spore, who taught two years. He was noted for his hasty temper. He would often throw a round ruler across the School Room at a child's head. Mr. Crowell Wilson, who was the next Teacher, taught about six years. He was the best Teacher of his day, who had ever taught in this School. He was a good Latin Scholar, and was induced to come here by Colonel Burwell, who wished his sons taught Latin, and this he did by teaching them at noon hour. He was afterwards M. P. for



Middlesex and Elgin, and for East Middlesex, and died in 1895. The next Teacher was Mr. J. Benson, a Minister, who taught two years. During his stay Mr. James Watson, who gave the School land, died, and Mr. Benson preached his funeral sermon. The next Teacher was Mr. William Law, who taught only three months and was succeeded by Mr. Matthew Lodge, who taught two years. Mr. Samuel McCartney was the next Teacher, and taught about two years, and then Mr. Edward Potts taught two years. Then Mr. Cassady, then Mr. Marseilles, and then Miss Hannah Pearce, the only lady Teacher who has ever taught in this Section since 1830. The next Teacher was Mr. William Collier, who taught one year, and his place was taken by Mr. A. Weldon, who taught two years. Mr. Ewen Cameron was the next Teacher, for two years, and was succeeded by Mr. A. McMillan, who taught only three months. Then Mr. Lewis Williams taught one year, and then Mr. Henry L. Vesco for one year. The next Teacher was Mr. Ebenezer McColl, who taught for one year, and then Mr. Ewen Cameron taught for one year. Mr. Daniel S. McColl, who was the next Teacher, taught two years, and was succeeded by Francis Jones, who taught two years. . . . (Maggie McLennan, Fingal.)

**BAYHAM TOWNSHIP, School Section Number Sixteen:** The first School House of this Section was erected in 1835, on the corner of lot Number 1, Concession 10, on the farm of Mr. Daniel Moss. It was a log structure, having two small windows and a fire place, the base of which was built of stone, and the balance of sticks and mud. The desks which ran around the wall, were made of flattened sticks of timber supported by legs inserted into auger holes. No maps, no blackboards, no globe were found therein. Mavor's Spelling Book, the English Reader, the Writing Book, and Arithmetic, were all that were in use. Mr. Daniel Moss was the first Teacher, followed by Miss Cascadden, and she by Miss Abel. (Nada Donaldson, Corinth.)

Section Number 16 is made up of parts of the Metcalfe, Dobbie and Heardman Sections, and the whole of what was known as Jones' Corners Section, (now the village of Corinth). Prior to 1862, these Sections had each a separate existence. Before the Union, (1862), the Sections, being small, the Schools were quite close together, and, if the attendance at any one of them promised to be slim for the coming term, or a suitable Teacher could not be secured, that School would be closed, and the pupils would attend the other Schools during that term. As any one of these Schools was subject to these drawbacks, it would happen that a pupil would be compelled to attend at least two, and, in some instances, three of these Schools before completing his course, so that, in referring to the School boys of those days, who have since distinguished themselves, it is rather difficult to designate them as graduates of any one of these particular Schools. The Moss Section, afterwards divided between the Metcalfe and Jones' Corners Section, was one of the earliest formed in this community. The School House was built about the year 1826, on the southwest corner of lot Number 1, Concession 10, and Mr. Daniel Moss, who was instrumental in forming the Section, became the first Teacher, with a salary amounting to about £10 per annum. Mr. Moss was a native of Vermont State, and came to this part in the early twenties. He is well remembered by the elder members of the district, many of whom were pupils under him, and all speak of him as a man of sterling worth and high character. The following were some of the Teachers of the Moss School House, coming after Mr. Moss, videlicet: The Misses Able, Cascadden, Lydia Kipp and Mrs. Mary McMath and Mr. John Horn. . . . The Moss School House was probably a type of the Schools in those days. The walls were built of logs, dovetailed at the corners, the chinks being filled in with mud. Logs formed the rafters and large pine slabs were used instead of shingles. These latter were weighed down by heavy logs, firmly tied to the building by willow withes. Inside wooden pins were driven part way into the wall, and on these pine planks were laid. These planks extended nearly around the building about three feet from the floor, and formed the desks. Half of a bass-wood log, the flat side dressed smooth was supported by four heavy wooden legs, and formed the bench. The door had wooden hinges, and a wooden latch. A large fire place supplied warmth in cold weather. It was felt by many that this School House was not adapted either for size, or location, to the needs of the growing Section, and this School was abandoned, about the year 1842, a number of the pupils going to the Jones' Corners School, and the remainder to the new School on the farm of Mr. Metcalfe, and known as the Metcalfe School. . . . The exact date of the first School House built in Jones' Corners, is not known, but it is believed to be in the early twenties. The Building was a log one similar in construction to the Moss School House. Miss Borbridge is remembered as being a Teacher in this School House. This School House was located on the S. E. corner of lot Number 5, Concession 9. (E. F. R.)

**YARMOUTH TOWNSHIP, School Section Number Four:** If a stranger were approaching the vicinity of School Section Number 4, Yarmouth, if anything could call forth his admiration, it would be the natural beauty of the scenery. Truly, nature was in her most accommodating mode, when she shaped those lovely hills, and graceful slopes so appropriately, for happy hearted School children to slide down in winter, and to play on in summer. . . . To the south, and but a few steps from the School, is Lake Erie . . . The Section is situated three miles south of Sparta. . . . The first School that was started was in a log house,

on the north end of lot Number 23, second Concession, in 1840. The first Teacher was Miss Delia Nickerson; she boarded around at different places and received one dollar a week. Teachers were hired for four months at a time. The average attendance was twenty scholars.

(*Louisa V. Prior, Sparta.*)

*School Section Number Six:* The School Section now known as Number 6, was originally two sections, the southern half being Number 5, and the northern Number 6. The first School in Number 6 was a log building, erected in 1829 on lot Number 24 in the 3rd Concession. Mr. Asle Bryant was the first Teacher and Messieurs John Wilson, Henry Yarwood and Charles Lincoln were the first Board of Trustees. Each pupil paid the Teacher six shillings for six months' schooling, the pupils also supplying the wood for heating the School-Room. The Teacher "boarded round," but contrived to stay as long as possible in the homes where the greatest degree of comfort prevailed.

(*Eliza H. Martyn, Sparta.*)

*School Section Number Eight:* When the settlers began to feel the need of a School House, a rude structure of logs was erected on lot Number 9, Concession 4, for the purpose. Each resident assisted in building it, and supplied a portion of the fuel required. The only Text Books used were a Spelling Book, the English Reader and the Bible. The first Teacher was a Mr. Prime, and his salary was paid on the subscription plan, at so much a pupil, and each settler would subscribe according to his means. The Teacher boarded round among the residents. The next School House, which was also of logs, was built on the north-east corner of lot Number 7, Concession 3, and pupils came from as far as Port Stanley to this School. On the 4th of July 1832, cholera broke out at New York city, and emigrants coming by way of New York to Port Stanley brought the infection. Many were stricken with the disease at the Port, and eighteen of the number died. The nearest physician at this time was Dr. Hawkins, living on lot Number 8, Concession 4. He attended the patients, took the disease and died. The doctor's wife, who was also down with the malady, was removed to the School House on the opposite corner of the road, where she died, and both buildings with their contents were burned. The people of the neighborhood were so afraid of the disease that the road was very seldom travelled for some time. After this a substantial frame School House was built on the present site and became known as the "Springfield Seminary." Later on, it was replaced by the present brick structure.

(*Jessie Bally, Union.*)

*School Section Number Thirteen:* The first School House was of log, on lot Number 22, of 5th Concession. The next was a frame building on lot 21, just east of where the present one now stands. The first Teacher was a Mr. McGregor. Each child paid seventy-five cents per quarter.

(*Versa Gloin, Sparta.*)

*SOUTH DORCHESTER TOWNSHIP,* (No School Section is mentioned): In 1840, Mr. Henry Niles, of Nilestown Local Superintendent of Schools, first formed this territory into School Sections, and one log School House was built where Springfield now stands and another near Mapleton, in which Mr. Sheppard taught.

(*Joseph A. Newell, Springfield.*)

*SPRINGFIELD:* During the pioneer days the education of the young was fairly looked after. The first School House mentioned in connection with the lot now owned by Mr. John Yoder, but at that time by Mr. Joel Burns, was built in 1837, and for years was known as Burns' School.

(*Grant Best, aged 13.*)

*TYRCONNEL TOWNSHIP, School Section Number Two:* Not until 1850, did Tyrconnel possess a School. Previous to this the young pioneers trudged about two miles east to a small log structure between lots Numbers 13 and 14, and in earlier years still further east. One School sufficed for what are known as Sections Numbers 1 and 2. Among the early Teachers the names of Messieurs Mowbray and Weldon are still remembered. They collected their own salaries at the rate of about 12s (\$2.40) a pupil per quarter.

(*Annie W. Geddes, Tyrconnel.*)

The foregoing historical record, or "sketch," of these Schools in the County of Elgin is unvarying in its statement of the fact that the early settlers were fully alive to the fact that, as soon as they were numerous enough, a School was a necessity, and that, whether log or frame, a House to hold it in was indispensable. The Management of the School, after the House was erected, was a very simple affair, and involved no financial responsibility on the part of its Managers. The School was practically "farmed out," (as the phrase was understood), to the person who would take it at his own risk, and at so much per pupil,—the collection of fees, and the "boarding round" were matters of personal arrangement between the Teacher and the patrons of the School.



### HURON SCHOOLS "IN THE DAYS OF THE CANADA COMPANY."

The following are extracts from an interesting Book recently published by the Misses Lizars, entitled: "*In the Days of the Canada Company, 1825-1850*," and to which reference is made on page 130, *ante*.

The Canada Company provided for everything, from a Postmaster to a Parson or a Dominic. The last could be found in numbers. . . .

THE GAIRBRAID SCHOOL. Gairbraid [the home of the noted Dunlops,—Doctor and Captain] provided two pupils, lads living there, one of them a Nephew of Lou's, [Mrs. Dunlop] both wild and unmanageable, after the manner of the times—to run away, or to "go to sea," were every-day occurrences. Learning was considered indispensable for the latter calling. "What's the use o' me learning Geography," said one pupil, "when I'm not going to be a sailor!"

The School at Gairbraid had a short life; the next being kept by a Mr. Gallagher. The land for the latter was given by the Canada Company. The boys were ranged round the wall, on forms which had boards sloped to the walls,—by way of desks. From some cause, not too charitably interpreted by his boys, Paddy [Gallagher] would often doze. When he was just off, as they thought and devoutly hoped, he would wake suddenly, roar out, "Mind your books!" This adjuration was snorted at intervals; his long, five-foot "gad" held loosely between his knees; but, when he really woke up, he would "go for them." He whaled the two Gairbraid boys, separately and together; and, when they were still full of pranks and insubordination, he handed them a wand each—"Now, flog each other, I wash my hands of you!"

The Doctor [Dunlop] makes allusion to "his cubs" in some of his Letters, apologizing for their non-attendance at School, on the score of turnip-taking, and such-like laborious work,—work then required of all,—men, women and children. *Pages 346, 347 and 348.*

THE WEBB SCHOOL, GODERICH. The younger generation springing up had to be taught, and one of the most telling and characteristic features in that early Goderich picture was the "Webb School for Young Ladies." Like many things, it was criticized in the time of operation, but filled a most useful corner in a day of necessity. The School was kept by Mrs. Webb and her three daughters. Their School was first kept in a little log House, beyond Longworth's Point. The mode t curriculum of the School would provoke a smile on modern student lips, so free was it from 'ologies and 'isms; but the education given was correct, and thorough, as far as it went. Their rules were simple and few; but oh, so strictly enforced, with the aid of Duncce's Cap, Back-Board and "taws";—personal neatness and good manners being the *sine qua non*; the latter, they argued, was the outcome of a moral principle. They themselves were ladies in the true sense of the word,—pure-minded, honourable, cultured gentlewomen, whose truth and sincerity their pupil world never doubted. These pupils, who are survivors, all elderly, some aged, women, now bear, and will carry to the grave, the habits and principles then so rigidly taught. Every midsummer the Webbs gave an afternoon party to their pupils; and the garden, which was an object of general interest, made a great additional pleasure in the day. One thing, much criticized in the community, was the pupils' manner of entering and leaving the School-Room. On leaving, all the pupils assembled,—bags in hand, and each class, beginning with the youngest, filed before the standing majesties, when the aggregate class, with one swoop, curtsied. The Ladies bowed in return; one Class passed out, the next one came, and so on, until the little log School-House was quiet. When visitors arrived, all the pupils rose *en masse* to receive them, but then went on with such work as engrossed them as though no one were present. (*Pages 187 and 188.*)

EDUCATION IN THE COUNTY OF PERTH. A bundle of old letters and papers, some in good preservation, some so frayed, worn and discoloured that it is hard to gather much from them, contain the only written records of the Educational Germ in Perth. The paper of these letters is blue, some of it porous. Unlike the ink used on the Goderich documents, the liquid seems to have been some native compound. Most of them bear the Goderich postmark, for School matters were directed from the Education Office there, and the occasion of that movable feast, the arrival of Judge Read's post-bag, was interesting to Mr. Alexander McGregor, who, with only occasional lapses from office, appears to have been Teacher from the year 1844, when the log school-house became formally invested. Before that time, Mrs. Sargent had got together the village children, and some sort of School had been organized by her. Things had changed since 1789, when a Canadian who knew how to read and write was a phenomenon, or, from the later date, of 1828, when a Petition to the Old Country bore on it 78,000 X marks. But even the three R's were yet a luxury, and parents in 1844 seemed to have been keenly alive to the necessity of providing them, and more, for their young children.



As an aphorism, "The eyes of the Master do more work than both of his hands," sounds and looks well, but Perthshire memories do not seek to rob the hands of early times of any of their due; the birch was a native wood of hardy growth. A Mr. McKee had a short term in the log School House, and also a Mr. Purday, whose agreement with the School Trustees,—“if both parties is pleased with each other,”—carries with it an excuse for the shortness of its limit—three months. But, during these three months, a lively incident took place. It was the custom for the School Trustees to make dignified and periodical visits to the School. One day, three of the oldest boys were absent; and, on the same day, some strangers happened to drop in to see Mr. Purday and his scholars at work. Imitating the Trustees in manner, gait, deportment and dress, in came the three absent boys. They had somewhere got old blue coats, with brass buttons and other articles of attire that marked the most correct of full-dress of the day. The Master dare not make a scene before the strangers; the mock Trustees peered through their spectacles and inspected, in most approved fashion,—their manners in striking contrast to those they kept for every-day wear, and not matching with the rosy cheeks and bright eyes which told their true age. The storm burst afterwards, and although Mr. Purday, whose abilities and acquirements seem to have belonged to the Hedge Schoolmaster variety, soon made room for the return of Mr. McGregor, he, in the meantime, by the aid of the outraged Trustees, caused the boys' temporary suspension. Three other boys in that School: James Woods, Michael McAuley and Daniel Seigmiller, were very ready with their fists, one upon the other. They were destined to become severally, a County Judge, a Roman Catholic Priest, and a Mormon Bishop. Another boy, Andrew Monteith, whose splendid physique and leonine head and shoulders foretold that he would be the best young chopper and logger in the country side, laid there the foundation of that plain education which seemed, in characters of his stamp, to be able to carry men forward to the front ranks of county influence and municipal honour. He lived to be the prime mover in educational matters, which took fresh departure and new life when learning became free to all; to succeed Mr. Alexander McGregor in the County Treasurership; to become one of the ablest and most honest politicians of the day, in his party and District. (*Pages 437 and 438.*)

## CHAPTER X.

### REMINISCENCES OF SUPERANNUATED SCHOOL TEACHERS IN UPPER CANADA.

In order to obtain the fullest information in regard to the character of the elementary Common Schools in Upper Canada, and of the condition of the Teachers themselves, I addressed the following Circular to those of them who had been employed in the Schools before and since the Common School Act of 1841 was passed. I said:

In preparing, for the Department of Education, (under the direction of the Honourable the Minister,) the DOCUMENTARY HISTORY OF EDUCATION IN UPPER CANADA, from 1791 to 1876, it appears to me that the History would be much more complete, if the old Teachers of the Province would contribute the result of their experience in the Schools, during the period of their early service in them,

I will, therefore, thank you to send me a brief sketch of the Schools in which you may have taught,—the condition of the Buildings, the kind of Fittings in the School Rooms, Apparatus, Maps, Books used, and any other details which might be of interest in this Work, on which I am now engaged.

I may add, that, in addition to any specific information which you may be able to give me about the Schools in which you may have taught, I should be glad to get copies of old Newspapers, old Pamphlets, old Parliamentary proceedings: (Bills, Reports, etcetera); Old School Records, College Calendars; Examination Papers, and any other Documents which might throw light on the Educational history of Upper Canada from the earliest times.

I have received a large number of Letters from old Teachers in response to this Circular; but, singularly enough, some of them unsigned, and many of them without particulars as to when and where the Writer was employed. This, of

course, led to a good deal of additional correspondence and much delay; for it was felt to be useless to insert information which was incomplete in the essential particulars named—of person, time and place. The following reminiscences of a Teacher was received, but no name was appended to it. The details, however, are explicit and circumstantial as to time and place:

**TOWNSHIP OF EMILY.** The first Public School opened, in what is now the County of Victoria, was held, or opened, in the Township of Emily on the south east corner of Lot number 10, Concession 3, then known, as, the Clergy Reserve Lot. The School House, or building used as such, was an old log shanty about 20 by 12 feet, covered with Elm Bark, a flat roof, it had neither window, floor, or fire place, or stove, consequently could only be used in summer, there was an opening in the roof, and the original occupants, (who were Brickmakers, imported in the early twenties of this century, used it while making a kiln of Brick for an English Cabinet Maker, who did not think, wooden house healthy residences. The School was opened in June, 1834, and lasted three or four months, until the days got too cold for the pupils to sit without a fire. The Teacher, (like nearly all of the early Teachers, in this new country, then, was an old British Soldier, named, Hamilton, an Irish Man and a graduate of Trinity College, Dublin. Six feet two inches in height, and of fine appearance, and of very Gentlemanly manners. Poor fellow, he had an old Soldier's failing,—a great fondness for drink. He drifted to Emily, where he took up the land granted him, as a discharged soldier, but being not used to manual labour, he did not stay long on the land. The Settlers, being desirous of getting their children as much of an education as the resources of the country, and their limited means could afford, held a meeting, and concluded to endeavour to make an arrangement, with Mr. Hamilton, to open a school. The result was, that he was engaged to teach, while the weather kept fine, at the rate of eight dollars per month. Each farmer paying a fixed sum for each child, sent, or promised to the School, there were from sixteen to twenty children which commenced attending. Some of them, (those large enough to assist in harvest), went the first two months, as the days grew cool; the smaller ones dropped off—and the school came to a natural stand still, but the poor old splendid British Soldier, was found lying dead, by the roadside, not far from the school house, one cold morning early in the fall, after the school closed. The School furniture and fixings consisted of, two benches made by the two largest scholars, felling a Basswood tree splitting it up the centre, and fitting two legs on each end,—these making two benches for use to sit on. The Desks consisted of rough boards, resting on long pins, or stakes, driven into two inch auger holes, bored into the side logs of the building,—no trouble in sweeping floor, as it was Mother Earth. The Books and equipments consisted of the Bible; Carpenter's and Mavor's Spelling Books, and such old Arithmetics as the parents of the children had brought from the old country. We had very little paper, some slates; one which now costs 13 cents to 15 cents then costing as high as 80 cents. (or four shillings Halifax Currency). The pupils had to use quill pens—(there were no steel pens then,) and they learned to make them, for their own use. If a boy got handy at the work, not only then, but for years afterwards, he had to assist others, who did not possess the mechanical skill, to make pens for themselves. Slate pencils cost two pence each (4 cents). Ink was made by the parents, by boiling soft maple bark in rain water, for a couple of hours, straining or filtering it, and putting into it sufficient copperas, or sulphate of iron, to get the required colour—black. No blotting paper was to be had and "if you wanted a Ruler, make one.

Pupils of the present day would not even think of a school with such school supplies, as we, sixty years ago, were thankful to possess. If there is one thing more than another in which Ontario shews her material and social growth, it is in her schools. Then there was no School Fund, or School Law. No educational assistance of any kind, in the rural parts. Now the country,—(then an endless wilderness, dotted here and there with the small trough covered shanties, and small clearing openings in the woods), is well provided with comfortable, (mostly brick,) School Houses, having all the modern appliances, to assist the pupil and Teacher; but in some cases, no doubt, the Teacher get the greatest amount of benefit, or help, of such assistance so provided.

**OMEMEE.** The next School in that neighborhood, was taught in the Village then known as "Williamstown," now "Omeme," The Teacher was Mr. William Bamford, Son of a retired Methodist Preacher; he was a well educated man, and a good teacher. The School was opened late in the Fall, and was kept open six months. The House was the Bar-Room of an old Tavern, previously kept by one of the Original Settlers, named "Morris "Cotnum,"—his Sons afterwards changed their name to "Cottingham." There was a good floor, and a large open fire place in this old House. The Benches and Desks were similar to the first mentioned; the School opened in 1835, and continued in operation until the spring of 1836. The School Books were about the same as were used in the first school.



The next school in Omemee was taught by another old ex-British Officer, Captain Handcock, a most kind-hearted, gentlemanly individual. It was also kept in the Bar Room of an unused Tavern belonging to a member of the same family of "Cotnum." The school furniture and appliances were about the same, except that Walkingame's Arithmetic had come into use. This poor old man had, like tastes and habits, with the first Teacher. He is long since dead, but his memory is still green in the memories of his surviving pupils. This School lasted until 1837. The next School in the Village was held in a one story frame Building, only clapboarded outside; no ceiling or chimney. The stove pipe was secured through the roof by pieces of sheet iron. The House was built on uneven ground, and one side stood on posts, about two feet above the ground, which made it cold in winter. The Teacher also an old soldier, who had been Band Master of one of the West India Regiments during the French Wars,—ended by Waterloo. He was a splendid Musician; no instrument came amiss, or awkward, to him. We had lots of fun and enjoyment at his School; and if we did not learn a great deal, many of the pupils, at least, acquired a decided taste for music. One day, the Violin, then the Bagpipes, Cornet, Clarionet, Flute, or any other musical instrument, which happened to be handy. His name was Mr. John Henderson, and, as nearly all the old settlers were either related to or connected with him, he was called "Uncle Johnnie" by every one—pupils and all. He was teaching when the McKenzie Rebellion broke out, and nothing could keep the gallant old soldier from the front;—so there was no school then for about a year.

After attending other Schools and Teachers for two or three seasons more, the writer obtained a certificate of fitness to teach,—(there having, by this time, been a School Law enacted, and School Regulations made,)—and taught schools in rural School Sections for the following three years in the neighborhood. The School Houses, being, in all cases, not only where he was employed, but all through this part of Ontario, of rough logs, shingled, and with a couple of small windows in them, and an open fire place. For all these Schools, the larger boys had to provide the fuel, and cut it ready for use;—but the Teacher had to do the sweeping, cleaning and lighting the fires, bring in his own wood, make all the pens, set Head Lines in Copy Books, and teach, (if able), all the branches required by Parents. The wages had risen to ten dollars a month, (and board round with the pupils), and \$13.00 to \$14.00 a month, and find your own board and lodging.

Teachers of to-day would greatly object to such offers, of pay and treatment; then, we considered ourselves fortunate to get a six months' engagement, on such terms. Where the Teacher got his board, he boarded a week in each house,—(no matter how far away), for each pupil sent to his school—and the parent paid from 20 cents to 40 cents per month, to make up the salary. In all cases the Teacher had to go round, and collect the school fees himself, and what he could not get, he had to lose, as the Trustees were not responsible to him for anything.

COUNTY OF GRENVILLE. I came from Scotland in 1831. Young as I was I could not help seeing the vast difference, between the public school advantages of my Country, when compared with the Country of my adoption. So I resolved to sacrifice the financial advantages which I possessed; and I obtained a certificate to teach a Common School, and gave over twenty years of the best of my life to the Profession. In which time, I taught in the best Schools in the Country, and in the best School Houses; for six years and six months in Iroquois and some years in Morrisburg, in the Townships of Williamsburg, Matilda and Mountain. In the Village Schools, I was well supplied with Apparatus to help me in my work. I never taught in an uncomfortable School House. I taught a number of years in Morristown, one and one half miles west of Morrisburg. . . . The Section being very small, the pay was proportionately so. I gave one year of my life as County Superintendent at Sixty pounds a year. There were sixty Schools in the County, I had to give it up, as I had Seventy-five pounds per annum for teaching.

For a long time our School books, were of a very promiscuous character, their authorship being of such different nationalities. There were Grammars, Arithmetics, Geographies, Astronomies, and indeed our Reading Books. The best supply we ever had, while I was actively engaged in teaching, was the Irish National Series. And I doubt if there is much improvement in these. If those were properly handled by the Teachers. They contained a succession of intelligent enlightenment for the minds of children; that I failed to meet with elsewhere.

DANIEL ROSE.

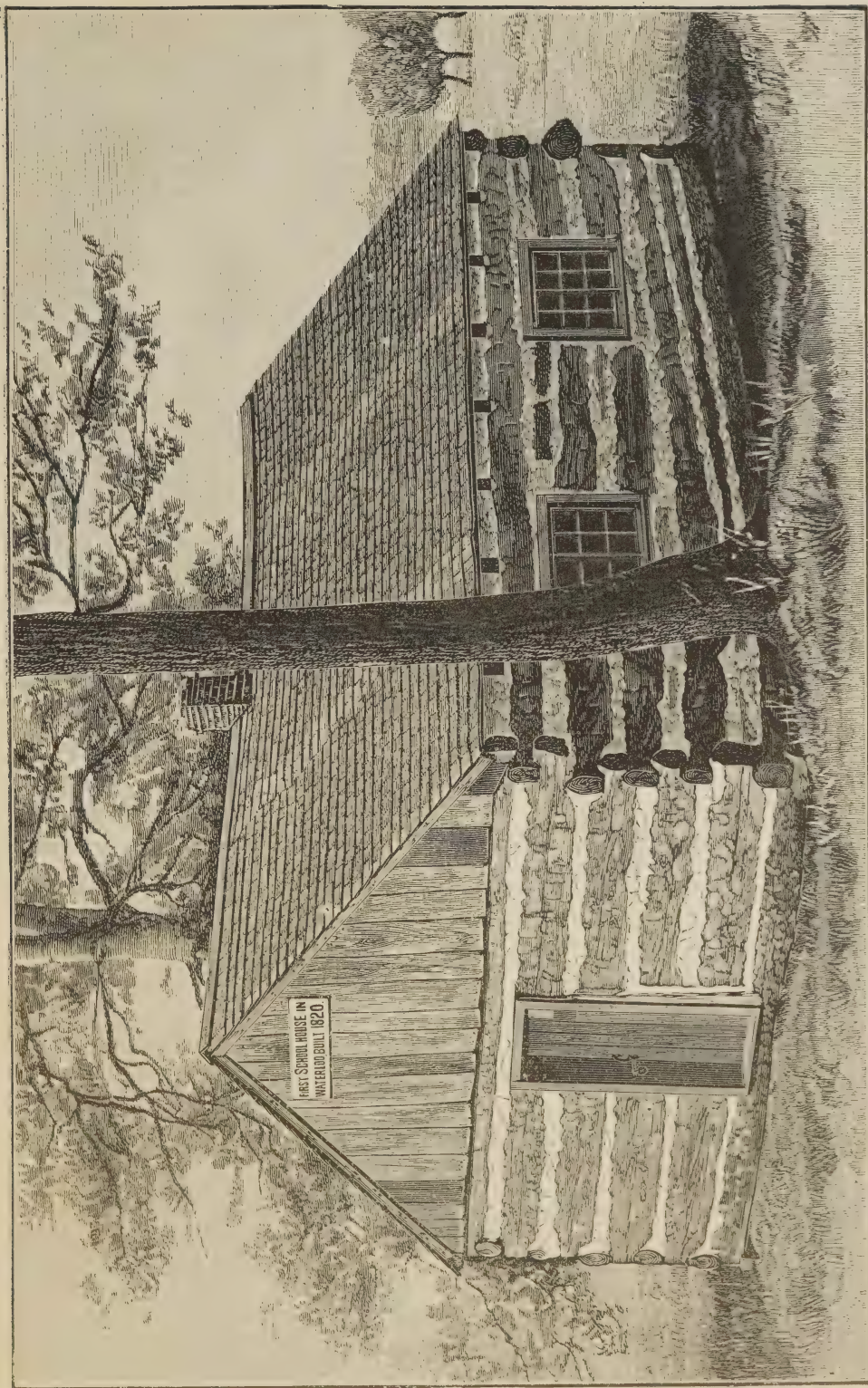
MORRISBURG, April, 1896.

COUNTY OF FRONTENAC. When I commenced teaching in 1841, the Schools in which I taught were all good Log Buildings, well furnished with Desks and Benches and a good Black-board. I had plenty of small scholars to keep me busy, but, at first, I was badly supplied with Books: for example, all I had were Mavor's Spelling-Book, Kirkham's Grammar, Morse's Geography, and Walkingame's Arithmetic. I had no other Books that I know of. I had no Apparatus, no Maps: no, not even a Register: but I made one that done me just as well.

ROBERT H. WICKHAM, Senior.

MADOC, April, 1896.





GOOD SPECIMEN OF AN ORDINARY LOG SCHOOL HOUSE IN UPPER CANADA.—Labled : FIRST SCHOOL HOUSE IN WATERLOO. BUILT 1820.



**NORTHUMBERLAND AND PRINCE EDWARD COUNTIES.** When about fourteen years of age I got a few months at a Common School; and without stretching the truth, it was common enough. The School House, was built by a few neighbours; of logs plastered with mud between them, with a common roof—a rough floor of rough boards; three windows of small size, a couple of rough desks along the walls, a few moveable rough benches for seats, the Master's chair, and the large fireplace comprized the visible surroundings, I should not forget our Teacher; who was newly imported from the North of Scotland,—better acquainted with the Gaelic than with the English Language; and I have no doubt, he was a good scholar, though fearfully defective in the art of government: He used his tobacco freely in the School, and, whether at chewing, smoking, or snuffing, he was an adept; and, of course, we imitated him: Our Books were a mixture of just such as could be got: Webster's, Mavor's, and the Canada Spelling books—the Old English Reader,—and the Bible—Arithmetic's: Grey's—Ingram's, or Walkingame's; Tutor's Assistant; with slate and pencils, some paper and quill pens, completed the School kit—As to order in School, there was absolutely none; boys and girls would be sitting promiscuously on the benches around the fire and hustling one another for the warmest place until the heat sent us back where we fell into other mischievousness; now, you know, what could we learn thus. I began teaching, I think, in 1839, when I was 18 years old, in South Monaghan. The Reverend J. Douglas was School Inspector. My sphere of labour was much improved over what I had gone through myself in my school days. We had the log school house and large fire place—truly; but care was taken to have the School house warm and swept in time for School.—For Books we had the Bible; Porter's Rhetorical Reader; Adams and Walkingame's Arithmetic's;—Murray, Kirkham and Smith's Grammars; Olney's Geography. The Teacher was supposed to supply Books and to keep things going, for which he hardly got thanks. I might also say here, that he had also to cut the wood for the School, or get it cut;—put on the fire, or pay for doing it, early enough to have the School House a little warm by nine o'clock;—sweep the School house, when that was necessary, if attended to at all; mend all the pens (quill ones at that, in those days); set copies, and other incidental things in connection with his office in trying to teach the young to branch out; I might here make another digression:

The People often lived far apart, and there was no organized School "Sections," or "Districts," as they were called then. The Teacher would be hired by some influential parties, who would go around to the neighbours within reach, and see how many subscribers they could get at so much per pupil, per month;—some might subscribe  $\frac{1}{2}$  a scholar, others 1, -2, -3, or 4, as the case might be; and the Teacher's salary would more or less depend on the number of scholars subscribed; and School would be kept open from Monday morning to Friday night and one half of Saturday: moreover we were thrown into direct communication with the whole neighbourhood by having to go round and get our board and washing among those who had subscribed for scholars to the School. Now you may guess how we fared both for "bed and board," when we might have to look out at the Table for our bit, with the cats, or chickens: You may think that these are exaggerations; but I can assure you that they are the simple, honest truth; and many a time I have slept in the School House on a couple of benches rather than submit to discomfort and worse. Perhaps you will wonder how much money we could save in such times.

My next sphere of labour was at Pleasant Bay, in the Township of Hillier, Prince Edward County. Things were here much improved, though far behind the requirements of the present day. The School House, though not a log one, was but little better: True there was a stove, and a sort of desk, (as religious services were held in it,) but the rest of the School "fixins" were of a very primitive and original character. The Books were of about the same kinds as I have before described; but we had far better facilities for writing, paper being mostly used; and the sums were put down, thereby exercising scholars so far in some degree of neatness.

My next place of teaching was in the vicinity of Cobourg. Here there was a great improvement over any thing going before; and although the Books used were about the same as before, with additions, yet we had a comfortable School House and other appendages, of which we were minus before.—We had here regularly elected School Trustees, who were properly authorized to contract with a Teacher, and, of course, were responsible for his Salary;—Yet here, for a while, at first, I had to "board round" but I rebelled against that antiquated fashion, and other Teachers fell into line. Another innovation I made while here, which was to have School open all day on every other Saturday; and thus I got every intervening Saturday for myself, which I found to be of great advantage. At this School it was also the practice to go round with the subscription paper, to see how many scholars could be obtained in starting the School. If the Teacher was a successful one; others would avail themselves of the privilege of going to school in the winter to brush up a little, and help to fit themselves for the duties of after life. The next place at which I taught School was at Cold Springs about seven miles north of Cobourg, While here the School books were changed for the Irish National series, and, for my part, I think we have never had their superior since; When I was some sixteen or seventeen years old I had a part of two sessions at "Old Vic."

W. KERR.

WEST GWILLIMBURY. In 1837, We came to Canada, where I began teaching, (at the age of Fourteen,) in West Gwillimbury, Allen's Corner, Bogart Town, Union Street, David Town, and Paterson's Corner. In describing one School Room, it is describing them all. The School Houses were generally Log Buildings, 16 feet by 20 feet, with a large open fire place, and some stoves for Andirons. Two or three small windows were in the sides, consisting of about six panes each. For desks, we had slanted boards, generally round three sides of the Room. The seats were composed of slabs, with auger holes bored in them for the feet, which were round sticks, cut and trimmed to the proper size. The Teacher generally sat in a corner at the desk, while setting Copies and making and mending pens.

The books we used were Primers, of which I forget the names, but we used Mavor's and Carpenter's Spelling Books; Walkingame's and Bonnycastle's Arithmetic; and Murray's Grammar. As well as I can remember, the children were very simple and very, very good, kind, respectful, obedient and attentive,—although many were much older than I was. Ah those were happy days!

As to remuneration, the people signed an agreement, paying me a dollar for each child for three months, with board, and without it, one dollar and a quarter. But, as I was handy at cutting out the children's clothes, and was a good sewer at plain and fancy needle work, I was always a welcome guest, and was invariably treated as one of the family.

On Thursdays, a boy or girl would often come up to me and say "Please Teacher, will you come to our house?" "Yes," I would respond. Next afternoon, near four o'clock, you would hear "Whoa!" and a pair of oxen and sled, filled with straw and a couple of quilts. Into which as many of us as could get in. Oh! it was grand fun.

HIBBERT, April, 1896.

SUSAN FLYNN.

COUNTY OF SIMCOE. In May, 1837, I began teaching a School three miles southwest of Bradford. I "boarded round" with the Parents of the Pupils, and in the latter part of that year, I got a School on Lot Number 7, Tecumseh. I got board for one dollar per week. In 1838 or 1839, I went to Toronto, to pass the Board of Education. Bishop Strachan and the Treasurer of the Home District constituted the Board; I think I was made to read; then to repeat the Rule of Three, which I did with such impetuosity that the good Bishop perceived that I understood what I was repeating. I suppose that I had something from the Trustees to introduce me, as his Reverence desired me to go back to Tecumseh, and the Treasurer gave me, (I think), twenty dollars.

In 1840, or 1841, I returned to West Gwillimbury, getting a School south east of Bond Head, about two miles. I had the late Mr. Thomas McConkey, late Sheriff of Simcoe, as a pupil here. He said that Grammar was never introduced into any School of the Township, or into contiguous ones, until I did it. He did not go to any other School after leaving mine. I was vain of him. My Brother was at College in Aberdeen, and, upon my making known to him our lack of School Books, he sent me a supply of the Scottish series, used there then, Lennie's Grammar, Grey's Arithmetic, etcetera. They created an impetus hitherto not known.

PAINSWICK, April, 1896.

JAMES MACKAY.

COUNTIES OF SIMCOE, PEEL AND GREY. I commenced to teach in the year 1839, in the County of Simcoe, at the Quakers' School House, which was a pretty good one, as the people in general were well to do; but there were no Apparatus of any kind, neither Maps nor Blackboard; and I found it very difficult to give proper instruction. Next I went to the County of Peel, where I taught for six years in one School, but the School House was a very miserable one, nearly tumbling down with age; and there was neither Maps nor Blackboard nor any other Apparatus in it, but I had to use the largest Maps of the Atlases to teach the children Geography; and I had much speaking to do, to give them proper instruction. I next went to teach in the County of Grey, twenty miles east of Owen Sound. The House was very small. There were some small Maps and a Blackboard in it. I had some satisfaction in using them.

TARA, April, 1896.

JOHN JAMESON.

STEPHEN. I commenced teaching in Stormont in 1841 and at L'Original in 1842.

When I commenced teaching in those places, the School buildings were miserable log houses; but, before I quit teaching, they gave place, in each locality, to good substantial brick structures.

STEPHEN, April, 1896.

C. PROUTY.

BYTOWN, (Ottawa). I left New Bliss, Ireland, after teaching School for nine years there, and came to Ottawa, (then Bytown), Canada, in 1841. I was engaged as a School Teacher for one year by Mr. James Johnston, who had ten children of his own to attend my School, which



I had opened on the 1st of June 1841, and, I believe, gave satisfaction. The School House was well furnished with School furniture; but my pay was so small that I left and engaged in another School Section with double the pay I had received. I remained there for two years. (I am now back in Ireland).

IRELAND, April, 1896.

JOHN MONAGHAN.

**TOWNSHIP OF WATERLOO.** I am now in a position to furnish you with a report, (such as it is), of the primitive Schools of Waterloo Township—the sphere of my own teaching. The first inhabitants of the township were German Mennonites from the eastern counties of Pennsylvania. They settled in the south part of the township of Waterloo, about the year 1800; and they soon found it necessary to provide some School Education for their children; so I have been able to trace the history of their Schools back as far as 1805.

*Early School Accommodations.* These were of any kind: Workshops, Spring Houses, Carpenter Shops, etcetera. One School was even kept in a Wolf-house, turned into a School House. The first School the writer attended was kept in a Weaver Shop, seventy-four years ago. In 1805, a School House was built about a mile north of Blair and two miles west of Preston. It was built by the side of Grand River, and near on a level with it. A flood came and washed it away. Then another was built, a mile down the River; then another was built on an elevated bank of the River higher up; then a fourth was built some distance from the River, on a much higher level. This was built in 1847 of quarried stones, 30 feet square. The first Teacher in this School House was the Writer. It was afterwards sold as a church, and another brick School House was erected near it, in modern style.

The first regularly organized School in the Township of Waterloo was taught within the now limits of Berlin, in 1809, by one Mr. John Beaty, an Irishman of some education. But about this time, a Mennonite church was built in Berlin, and the School was transferred to it. The first Teacher taught in it was also an Irishman by the name of Mr. Guilty. He was reported as a good Teacher, but excessively severe in his discipline. His successor was a Quaker, named Mr. Merritt Palmer. He was highly spoken of as a Teacher, being firm, but moderate in discipline. The next Teacher was a Mennonite Preacher, named Mr. Benjamin Eby, from Lancaster County, Pennsylvania. He was well educated, (as a self-made man), in English and German. He published a German School Book, with the rudiments of German Grammar in it. But by this time a Township Hall was built in Berlin, and mere English teaching was transferred to it. The first Teacher that taught in it was an American named Mr. Growel. He was well educated having received an Academic education, and was a good Teacher.

*Primitive School Houses.* I have already alluded to some School Houses that were built. For a long time Churches were used in the Township as School Houses, where such were available; and where they were not, hewn log buildings were put up. In one Section, in which I taught, a Church was used as a School House for thirty-six years. Such School Houses could be built cheap in the early days, and that was the reason why they were so built. It was not until School Houses could be built by levying a rate for the purpose, that we got durable and even ornamental houses. (See page 149 of this Volume.)

*Primitive Teachers, and their Qualifications.* The qualifications of these Teachers consisted in general, of Reading, Writing, and a knowledge of Arithmetic, as far as the Rule of Three: and some of them had also some knowledge of Music. As to discipline the rod was the only means used.

*School Books Used.* Of these Books from which Spelling and Reading were taught, there were Webster's "American Spelling Book" and "Murray's English Reader," and the New Testament. An "Introduction" to the Reader was also used. The Arithmetics were the "American Tutor's Assistant," and "Daboll's Arithmetic," of course American works. Grammar and Geography were unknown in the primitive Schools of Waterloo Township, and so were Blackboards.

*My own Teaching.* On the 20th September, 1841, I commenced my long career of teaching in the old "Waterloo School House," now in the Waterloo Park. In this House, I taught about a year. I then taught in a new School House, (built near the old one), in which I taught until the spring of 1844.

BERLIN.

BENJIMAN BURKHOLDER.

**COUNTIES OF OXFORD AND MIDDLESEX.** My first School was in Norwich, four and a half miles from the then Village of Norwich. Here I commenced my first teaching in the year 1838. The condition of the Building was that of a dilapidated frame House, without a stove. There was an open-jam fire-place in one end of the building. The books in use were the old Mavor Spelling Book, Kirkham's and Lennie's Grammars, the old English Reader, and the New Testament. The

fittings in the School Room were loose benches, and a row of writing desks on three sides of the School Room, suspended by hinges, which were let down during religious service. There were no Maps in the School. My second School I taught sometime in 1840, but I only taught in it six months. This was in the Township of London, near what is called the "Proof Line," and the condition of the Building was an old frame one, with a stove in the centre. Fittings were loose benches, writing desks on hinges, a pulpit in one end. The Books were: Mavor's Spelling Book, the old English Reader; Grammar, Kirkham and Lennie's. My third School was in Southwold which I opened in 1842. The Building was a new frame one, very respectable, in a fine part of country and with fine people, though poor. This Building was situated near what is called North Street. The fittings in the School Room were good. The seating was after the ancient model.

ROCKFORD, April, 1896.

OLIVER OLMSTEAD.

## CHAPTER XI.

### MISCELLANEOUS PAPERS RELATING TO EDUCATION IN UPPER CANADA.

THE GRAMMAR SCHOOLS OF CORNWALL AND YORK, 1805-1807-1823.

*Supplementary to Chapter XIII., Volume One of this Documentary History.*

It is interesting to be able to realize what was the practical character of the training, as well as the nature of the studies, which called forth the ability, and stimulated the intellectual zeal of the pupils, which attended the noted schools taught by the Reverend Doctor Strachan at Cornwall and at York, from 1805 to 1823. Many of these pupils rose to eminence, either as Judges, Members of the Legislature, or of the Bar, or as Ministers, and most of them, whose after career was known, have left behind them an honourable name.

By the kindness of Mrs. Strachan, (Widow of Captain James McGill Strachan, —one of the most successful pupils of Cornwall School,) I have been enabled to examine the contents of three voluminous "Merit Books" of the Cornwall and York Schools, of which the Reverend Doctor Strachan was successively the Master. These Books contain copies of original compositions, and statements of the merit and standing of the pupils. They cover the period of from 1805, (with intervals,) to 1823. These Records being extensive, I have only given the results of an examination of those relating to the two noted Schools named.

In these Books, Doctor Strachan has carefully noted the standing and progress, at the examinations, of the pupils under his charge. He was the better enabled to do this from the fact, as stated by himself, (on page 41 of the First Volume of this Documentary History,) that:

It was my practice to study and note the character and capacity of my pupils as they entered the School; and, to this discrimination, which gave correctness to my judgment, many of these pupils owed the success which they afterwards achieved.\*

At the end of each examination, Doctor Strachan had the principal boys to copy into these Record Books their compositions, in prose and poetry, and the translations from, or into, Latin, given in, or recited, by the pupils at the yearly

\* See also page 211 of the First Volume of this Documentary History. On pages 41-46 of the same Volume, a very full sketch of the mode of teaching and the management adopted by Doctor Strachan in the Cornwall and York Schools is given.

examinations. The note in regard to them, written by Doctor Strachan on a fly-leaf, is that "Originals only are copied at full length."

It is clear, in looking over these youthful efforts of the pupils, that the system adopted, in the Schools of Cornwall and York, must have been very thorough, as it was comprehensive. The nature of this training is explained in full detail, on pages 41-46 of the First Volume of this Documentary History, so is Doctor Strachan's practical method of dealing with each individual boy.

The first entry in the Merit Book of 1805\*, is a poetical "Address" by John B. Robinson, afterwards Attorney General, and Chief Justice, of Upper Canada. The first lines of this "Address," which was recited by its author, at the examination held at the Cornwall School, on the 5th of August, 1805, are as follows:

When haughty Rome, with boastful triumph, saw  
A prostrate world submissive to her law,  
The courtly Flaccus, feigning patriot fire,  
To please Augustus, strung his tuneful lyre.

The second poetical piece "On Schools Old and New" was by Robert G. Anderson. Then follows "The Jaunt," by William Macaulay; "Homer," by Jonathan Jones; "Reyno and Alpin," by Alexander C. McDonell; "The Three Warnings," by Philip Van Koughnet; "The Sword," by Alexander Wilkinson; "Polite Literature," by John Macaulay; "Jupiter and Menippus," by Henry John Boulton, (afterwards a Chief Justice); "Bookkeeping," by John McLean; "Mathematics," by John B. Robinson; "Geography," by Archibald McLean, (afterwards a Puisne Judge); "Natural History," by John Bethune, (afterwards Dean of Montreal;) "History, as well as the Epilogue," by Jonas Jones, also afterwards a Judge. In addition, a Parliamentary Debate is recorded, in which John Simcoe Macaulay, Henry John Boulton, John Bethune, Archibald McLean, John B. Robinson, John Macaulay—all noted men afterwards—and others, took part.

In the collection of "Original" compositions, or recitations, by the pupils at the close of the Examination of 1806 there is: "An Address," by John Beverley Robinson, in which he thus celebrates, in verse, the advent of intellectual life on this New Continent, as almost co-eval with that of Columbus:

Columbus, daring genius, scarce revealed  
These Western climes, by Ocean long concealed,  
When Great Apollo, Lord of deathless fame  
Here wished to spread the glories of his name.  
He calls the Muses from their sacred grove,  
The pensive Daughters of imperial Jove,  
To see what hopes this younger World displays  
Of rising worth, deserving future praise,  
They spread their golden pinions to the sky,  
And o'er the Atlantic waves, with boldness, fly  
Where deep St. Lawrence winds his devious course . . .

There are additional original compositions by George Ridout, David Munro, A. G. Steel, Daniel Washburn, (Panegeric on Great Britain); Alexander Wilkinson.

\* A brief reference to this Examination is made in the First Volume of this Documentary History, page 34. See also pages 41, 106 and 160.



(General Abercrombie); James Woolwich, (General Wolfe); William Macaulay, (Lord Nelson); William Chewett; Discussion by Jonas Jones and John McLean; also a Discussion by John Bethune and Archibald McLean on Mathematics *vs.* Polite Literature; Parliamentary Debate by Philip Van Koughnet, Henry John Boulton, George Ridout, Robert Stanton, R. G. Anderson, W. B. Smyth, A. C. McDonell; Epilogue by Jonas Jones and John Bethune.

At the close of the Examination of 1807, a request was presented to the Master of the Cornwall School. It is unique of its kind, and shows what a bond of union had existed among the pupils of the School, and how they appealed to the Master "to be the centre" of their communication with each other in the future. The following was the request which the pupils of the School presented to Doctor Strachan:—

*To the Reverend John Strachan:*

We, the undersigned, sensible that the happiness of this Life chiefly depends upon the cultivation of the mind, and in the indulgence of those innocent affections which interest the heart, are anxious to preserve an affectionate remembrance of each other; now that circumstances occur which produce a separation. In testimony of our mutual regard which we desire to preserve toward each other during the rest of our lives, and which is founded on the most disinterested principles, we most willingly join in soliciting our Tutor to be the centre of our communication; as we are well assured that he is highly interested in our future happiness.

Should this, our general wish meet his approbation, we pledge ourselves to keep in mind those correct habits which he has endeavoured to render familiar to us, and ever to cherish those pure principles of virtue and religion, which we have been taught. And, should our success in life be equal to what our education may lead us to expect, we shall most willingly exert our influence in disseminating useful knowledge; nor shall our gratitude fail in supporting, as far as we are able, the just claims of the Academy over which our Tutor presides.

CORNWALL, 5th of August, 1807.

JOHN B. ROBINSON.

This request was also signed by John Macaulay, Jonas Jones, Archibald McLean, John McLean, George Ridout and Henry J. Boulton.

To this appeal the Reverend Doctor Strachan replied as follows:—

*To the Pupils of the Cornwall School:*

The many fond recollections which the thoughts of his companions at School bring to his mind, induce your Tutor cheerfully to concur in any measure calculated to preserve the Friendship which you may have imbibed for each other, vigorous and pure. The partiality which you express for the Seminary at which you have been taught, is highly creditable to your understanding and your hearts.

CORNWALL, 5th of August, 1807.

JOHN STRACHAN.

Notes of the standing of the pupils in the Cornwall and York Schools, from 1807 to 1823—with copies of their original compositions—are all contained in the other "Merit Books." They form a most interesting record of what is practically the school history of a number of boys who rose to eminence and distinction in this, and the adjoining Province of Quebec. One feature of the system of education, which Doctor Strachan adopted with great success, was that which he described (in a letter on the "Management of Grammar Schools," addressed to the Reverend A. N. Bethune,—his successor as Bishop of Toronto),—as "Parliamentary Debates." That was,—some noted subject debated in the British House of Commons would be chosen. A number of boys on each side were selected, who committed to

memory parts of the speeches made by such noted members of the House of Commons as Pitt, Burke, Fox, Sheridan, Walpole and others, and delivered them with more or less spirit—subject to the criticism of a Committee appointed by the Master. This practice, and the discipline which it gave, produced admirable results in the readiness and success of these same boys, when they took part afterwards in the debates of the Canadian Legislature.

#### THE BROCKVILLE GRAMMAR SCHOOL, AFTERWARDS THE COLLEGIATE INSTITUTE.

His Honour, Judge Macdonald, son of the late Senator Macdonald of Gananoque, has kindly furnished me with the following information in regard to the early history of the Grammar School of the Johnstown District, now the Brockville Collegiate Institute:

The Reverend Rossington Elms, a Church of England Clergyman, is said to have been a Teacher before his ordination, and at some time between 1825 and 1829, and perhaps, at even a later date. Mr. Elms was an uncle of the late Judge Steele. In or about the year 1829, he was stationed as a Clergyman at, or near, Charleston Lake, and not far from the present Village of Athens, County of Leeds. Mr. Elms was an efficient Teacher, strict and, perhaps somewhat, severe. Among his pupils was Mr. John Bogert, afterwards a Barrister, and father of the Reverend Rural Dean Bogert, of Ottawa, and the Reverend D. F. Bogert, of Belleville.

2. Mr. Elms successor appears to have been Mr. Bushby, an Englishman, who lived in the old Glassford House, on the north side of King Street, Brockville, east side of Park Street, probably the building now occupied by Mr. Samuel Simpson, or by Miss Glassford. It is recollected that he entertained the boys at this house. He is highly spoken of.

3. Mr. Walter C. Crofton, of Trinity College, Dublin, is said to have taught in or about 1832, for what length of time is not known. He removed from Brockville to Cobourg, taught there, and eventually went to Toronto, where he obtained a position under Government.\*

4. The Reverend John Smith, a Presbyterian Minister, a strong stout man, less than six feet tall, who had been a Missionary in Malacca. He is said to have been an excellent scholar, a good Teacher and very popular with his scholars. He had as an assistant the Reverend Mr. Woodrow, a Baptist Minister. Hebrew was taught in the school. Mr. Smith taught for a time, between the years 1832-'37, in a Building, east or north-east of the Court House, and on the Court House Square. He also taught for a time in a frame Building on St. Andrew street, (owned by the late Mr. Leggo), and some of his scholars boarded with him, among them being a lad named Alexander Logie, son of Major Logie, of Kingston, who was subsequently Judge of the Wentworth County Court at Hamilton, and a boy named Gregory, (possibly from Cornwall). Among the scholars were the late Honourable Stephen Richards, the Honourable A. N. Richards, Mr. Edward C. Jones, (son of Honourable Judge Jonas Jones), Messieurs Charles Edward Jones, George Hubbell, Henry Hubbell, Richard Carley, Richard Chaffey, John Scott, William Scott, Ira Lewis, (now of Goderich), Samuel B. Clarke, William Leggo, John Pennock, (now, or lately, of Ottawa), son of Mr. Samuel Pennock.

5. After Mr. Smith's time, the School was taught by the Reverend Henry Caswall, a Church of England Clergyman, whose son was, I believe, for some time, and until quite recently, Chaplain of the General Hospital and the Gaol in Toronto. Among his pupils were the late Mr. James Henry Morris, of Toronto, and Mr. George S. McClean, of Brockville. There is still preserved an advertising card of the school as it was in Mr. Caswall's time. The advertising card is dated the 22nd of March, 1839, and is as follows:

Education: Johnstown District School, Brockville, U.C.

This Institution is now under the care of the REVEREND HENRY CASWALL A.M., assisted by a competent Instructor. The studies and terms are given below.

1. For Board and Tuition in the usual branches £30 per annum; *first quarter payable in advance*. Each Boarder will provide for his washing, and is expected to be supplied with a Bed and Bedding, Towels and a Silver Spoon. Theological pupils boarding with the Principal will

\* Mr. Elms is referred to on page 308 of the First Volume; pages 229 and 233 of the Second Volume of this Documentary History. See also page 345.

† See reference to Mr. Crofton on page 283 of the Second Volume, and on pages 40, 43, 51, 102, 133, 214 and 255 of the Third Volume of this Documentary History.

pay £50 per annum, and will receive, separately from the other pupils, such instructions in Divinity as the Ecclesiastical Authority may appoint, with the addition of Hebrew and Chaldee, if desired.

2. For instructions in Spelling, Reading and English Grammar, Arithmetic, Geography, History and Writing, £4 per annum.

3. For instruction in Greek, Latin, Mathematics, Natural Philosophy, Composition, etc., £5 per annum.

All accounts must be settled at Midsummer and Christmas. The full quarter is charged if the pupil is once entered. No deduction is allowed except at the discretion of the Principal.

The hours of attendance are from 9 to 3 o'clock, with an intermission of half an hour. The vacations are : four weeks at Midsummer, three at Christmas and one at Easter.

Apply, post-paid, if by Letter, to the

REVEREND HENRY CASWELL, *Brockville.*

BROCKVILLE, March 22nd, 1839.

6. Mr. Caswall was succeeded by Mr. Andrew Scott, a Scotchman, from Aberdeen, or Dundee, and who subsequently returned to Scotland. His School was taught in what was at one time known as the old Infant School, and is now a part of the James Street Public School. The Honourable A. N. Richards was for a time a pupil of Mr. Scott.

THOROLD. Mrs. James Johnstone carried on quite a successful school in 1841.

GRAMMAR SCHOOL REGULATIONS. Objection having been taken by several Grammar School Boards against the Rules and Regulations for the Government of these Schools, a meeting on the subject, of the Trustees of the Gore District Grammar School, was held at Hamilton on the 28th of June, 1841. The following is a report of the proceedings of this meeting.\*

Mr. Racey having been appointed Chairman, the Reverend J. Gamble Geddes proposed the following Resolution, which was seconded by Mr. Jarvis :

“Resolved, That we, the Trustees of the Gore District School, having had submitted to us the Rules and Regulations prescribed by the King's College Council, for the Government of District Grammar Schools, according to the provisions of the late Provincial Act, (2nd Victoria, Chapter 10), do hereby express our entire concurrence therein, and agree to adopt the said Rules and Regulations for the government of the Gore District (Grammar) School.”

Whereupon it was moved in amendment by the Rev. Mark Y. Stark, seconded by the Reverend Alexander Gale :

“That the Trustees, previously to binding themselves to accept the proposition of King's College Council, do petition the Legislature for information as to the exact position which they as Trustees hold under the late Act, and as to the powers which are by it conferred upon the Council of King's College. Lost.

The Resolution of the Reverend J. Gamble Geddes was put and carried ; yeas, four ; nays, three. The following protest against the passage of the foregoing Resolution was entered upon the Minutes of the meeting at the request of the dissentents — the Reverends Alexander Gale, Mark Y. Stark, and William Craigie, videlicet :

1st. That, having been nominated Trustees of the Gore District (Grammar) School by the Act, 4th George III., Chapter 6, and the Act, 59th George III., Chapter 18, which still stands on the Statute Book as the law of the land, unrepealed by any subsequent Act, we consider that we must look to that Act, no less for our commissions, than for our powers and responsibilities. That we there find it enacted as follows :

“The Trustees under, and by virtue of, this Act, in each and every District of this Province, or the majority of them, shall have full power and authority to make such Rules and Regulations for the good government of said Public (Grammar) Schools, with respect to the Teachers for the time being, and to the scholars, as in their discretion shall seem meet.”

That being under some doubts as to the continuance of our authority under the new Act, application was made by the Trustees some time ago, to the Attorney General on the subject, and he replied, — “That we should continue to exercise our authority until other arrangements should be made by the Lieutenant Governor ;” and that we do not feel that we would be justified, either with regard to the interests of the School (for the governance of which we were appointed, or to the Country, to which we consider ourselves responsible), in unauthorizedly giving over our powers to any other Body.

\* See the proceedings of the Legislative Council on this subject, page 32 of this Volume, *ante*.



2nd. That this would be the direct consequence of our acceding to the proposal made by the Council of King's College, in regard to the salary for an Assistant Teacher, and complying with the conditions attached to it, videlicet : the adoption of the Rules and Regulations for the management of the School, issued by them, by which our future control over the management and regulation of the School would be done away with.

3rd. That we are not satisfied as to the extent of the powers conferred by the late Act upon the Council of King's College, there being so many inconsistencies between it and the former unrevoked Act, and it being, in itself, so ambiguous in its language, that we can not rightly distinguish between the powers vested in us as Trustees by the one, and the powers accorded to the Council of King's College by the other ; they appearing to be totally inconsistent with each other.

4th. Because the Council of King's College, although they do not openly and directly interfere with the powers of existing Trustees, are nevertheless using means which, if acceded to, must necessarily, though indirectly, result in their acquiring the patronage, direction and control of all the (Grammar) Schools in the Province ; for, whenever the terms insisted upon by that Council are complied with, and the boon of £50 for an Assistant Teacher obtained, the authority of the Trustees must succumb to that of the Council.

5th. Because we feel persuaded that by the Act, 2nd Victoria, Chapter 10, it never could have been the deliberate intention of the Legislature to entrust the guidance and management of the whole of our Schools of a higher order in the Province, to the Council of King's College, and this for the following reasons :

Because 1st. Had such deliberate intention existed in their minds, they would have taken care to give scope and action to it, by so modifying the Act of 47th George III., Chapter 6, as to mark out precisely the subordinate position of the Grammar School Trustees to the Council, and the duties which, in this new position, would remain for the former to discharge.

2nd. Because, in any circumstances, but more especially in the temper of the times when the Act was passed, no such great change in the management of a most important class of the educational establishments of the land, could have been brought fairly before the Legislature without educing opinions on all sides as to its propriety ; whereas the Act passed almost in silence.

6th. Because we object to the management and control of Grammar Schools, instituted and endowed for the benefit of every individual in the Country, without regard to sect, denomination or party, being invested in a Body of so partial and sectarian a character as that of the Council of King's College ; and, because we can perceive evident marks in the steps which that Body have already taken, of a desire to grasp the patronage of those Schools, gain the control over them and organize them upon a particular system, not adapted to the wants, conformable to the wishes or available for the benefit of a large portion of the people of the Province. The marks of this are, we conceive, manifest in attaching imperatively to the enjoyment of a salary for an Assistant Teacher, the conditions of enforcing the Rules and Regulations passed by themselves, — in their having advertised in the public papers that application for the situation of Grammar School Teachers should be made to them, and testimonials of character and qualifications should be forwarded to them ; in their having appointed three of their Members, videlicet : the Honourable and Right Reverend the Lord Bishop of Toronto, the Reverend Doctor McCaul, Principal of Upper Canada College, and the Honourable R. S. Jameson, Vice-Chancellor, a Standing Committee for the examination of Teachers ; in the arrangements to be introduced, in the Books to be used, in the form of prayer prescribed, in the periods appointed for the holidays, and in the Returns required to be filled up and given in to the Council, and, in fine, in the whole system to be carried out.

7th. Because the assumption by the Council of King's College, of the power to pay the salary directly to the Assistant Teacher, on the certificate of the Head Master, is unwarranted and in direct contradiction to the 2nd clause of the Act, 2nd Victoria, Chapter 10.

8th. That the two Acts being contradictory, and the last bearing evident marks of imperfection, the Legislature must soon necessarily supersede all past Acts on the subject, and introduce a regular and connected system of Education, adapted to the wants of the Province, and the circumstances and condition of its inhabitants.

9th. And lastly, because the assent to the above Resolution was carried by the votes of the Trustees, who have not, for many years taken any interest in the School, or been present at the Examinations, and who thus appear to have been specially brought forward for a party object.

For these, and other reasons we dissent from, and protest against the passage of the foregoing Resolution.

ALEXANDER GALE.  
MARK Y. STARK.  
WILLIAM CRAIGIE.

## INFERIOR CONDITION OF EDUCATION IN CANADA.\*

Among the various subjects which require public attention in this Province, there is none of greater importance to the well-being of Society than the education of its youth, the maxim

“Just as the twig is bent the tree’s inclined.”

is generally admitted ; and, therefore, the future character of society depends on the character which we impress on those who are hereafter to form its constituent parts.

It is universally admitted that education is in a very defective condition throughout the Province, in the Common Schools especially. The little that they profess to teach is but the first step towards education, and that little is generally taught in a very imperfect manner. We could fill page upon page with evidence of this, taken from the testimony of Clergymen, Legislators, and others in the Province, the best qualified to judge, and having full opportunities of knowing and judging aright ; but the conviction of the fact is so general as to render any laboured proof unnecessary. And if the defects of the system are so obvious and glaring, when tried by ordinary rules, how much more so when judged by the high standard of what education, even in Common Schools, ought to be ! On this point public opinion wants raising to a higher standard than generally prevails.

To be taught a little reading, writing, and arithmetic, is not education in any correct acceptation of the term. This neither develops the faculties of the mind, nor implants a tithe of the means of doing so. It merely enables a man to perform the very lowest part of his duties in business, or as a social being, but the highest parts of those duties are not even noticed. The sentiment being is so far from having its faculties cultivated, that it is never even taught their names—is so far from receiving any intellectual training, that in the vast majority of cases the scholar leaves school without having learnt a single fact in relation to his mind and its various powers. Education stops short at the very threshold of the temple that it ought to enter and fill with glory.

If the human soul without education be compared to marble in the quarry, and education to the art of the statuary, then with us the statue is merely cut out and rough chipped to the rude semblance of a man, instead of being chiselled and polished to a glorious type of the human face and human figure, radiant with life and intelligence like the “Statue that enchants the world.”

## MUNIFICENT PARLIAMENTARY GRANT IN AID OF COMMON SCHOOLS IN 1841.

In passing the Common School Act of 1841, provision was made, (far beyond what was originally intended as the Common School Fund,) and a munificent sum, as compared with former grants, was set apart by the Common School Act of 1841 for “the support and maintenance of Common Schools in the United Province of Canada. The third section of that Act provided as follows :

That, for the Establishment, Maintenance and Support of Common Schools in this Province, there shall be granted to Her Majesty annually, during the continuance of this Act, the sum of Fifty Thousand Pounds Currency, (£50,000,) to be distributed among the several Districts in the manner hereinafter provided, and such aforesaid, from the said permanent fund, and of such further sum as may be required to complete the same, out of any unappropriated monies, which are now raised and levied, or which may hereafter be raised, and levied, by the authority of the Legislature, to and for the public uses of this Province : and the said annual grant shall be, and be called “The Common School Fund.”†

\* This Article is taken from the *Monthly Review*, published under the direction of Lord Sydenham, Governor-General, in 1840-41, and as an organ of his Government. In *The Story of My Life*, I have given the following information on the subject : “After an interview with Lord Sydenham, at his request, the Reverend Doctor Ryerson, in a letter to His Excellency, dated the 4th of April, 1840, made a practical suggestion as to the desirability of establishing the *Monthly Review*, as a means of disseminating the liberal views which he entertained in regard to the future government of this Country, and also as an organ of public opinion in harmony with these views. It was at first proposed that Doctor Ryerson should edit the *Review*, but, after fuller consideration of the matter, he declined, and the editing and management of it was, at his suggestion, placed in the hands of John Waadby, Esquire, Editor of the *Kingston Herald*. It was issued in Toronto early in 1841, but ceased on the death of Lord Sydenham, in September of that year.” (Pages 264, 265).

† In 1841, just before the passing of this Common School Act, the Legislative grant in aid of Common Schools in Upper Canada was only Five Thousand Six Hundred and Fifty Pounds, (£5,650), given in two sums See page 25 of this Volume. This new grant of Fifty Thousand pounds £50,000, was divided between Upper and Lower Canada according to population. For some years, the division was in the proportion of £30,000 to Lower Canada, and £20,000 to Upper Canada. Finally, after a long correspondence, Upper Canada received the larger share—the increase of her population having made it equitable to do so.



The peculiar circumstances, under which this then very large sum was set apart for Common Schools, are thus narrated by the Honourable Isaac Buchanan. in a Letter addressed to the Editor of this Documentary History in 1882. In that Letter, Mr. Buchanan said:

In 1830, I had, as an extra of the *Albion* newspaper, published by Mr. Cull, (about the time York became Toronto,) proposed a plan of settlement for the Clergy Reserves, fitted to solve the difficulties connected with them, whether Industrial, Educational, or Political. My proposal was that an educational tax should be levied, the payments by each church or sect being shewn in separate columns, and each sect receiving from the Clergy Reserve fund, in the proportion of its payments for Education.

This first attempt of mine to get an endowment for Education failed, as there was then no system of Responsible Government. But five years afterwards, (in 1840), when my election for Toronto had decided the question of Responsible Government, and before the first Parliament met, I spoke to Lord Sydenham, the Governor General, on the subject. He felt under considerable obligation to me for standing in the breach, when Honourable Robert Baldwin found that he could not succeed in carrying Toronto. I told him that I felt sure that, if we were allowed to throw the accounts of the Province into regular books, we would show a surplus over expenditure. His Excellency agreed to my proposal, and I stipulated that, if we showed a surplus, half would be given as an endowment for an Educational System. Happily, we found that Upper Canada had a surplus revenue of about \$100,000 a year—half of which the Parliament of 1841 set aside for Education, as agreed—the law stipulating that every District Council getting a share of it would locally tax for as much more, and this constituted the financial basis of our Educational System in 1881. Thus I have given you a glimpse of the time when Doctor Ryerson and I were active coöperators. (*Story of My Life*, page 287.)

#### IMPORTANCE OF EDUCATION TO BRITISH NORTH AMERICA.\*

Some general system of Education should be established in Upper Canada similar to those of Prussia, Germany, and France, with such modifications as would adapt them to the circumstances of our own Country. In France, all Institutions for education are subject to a Board, styled "The University of France." The Kingdom is divided into twenty-six territorial divisions, called Academies, in each of which are Faculties of Instruction. Their places of education are divided into primary and secondary schools, lycea, colleges, etcetera. To the establishment of some similar system in this Country, we can look forward with strong assurance, from the efficient administration of Lord Sydenham, who has devoted so much attention to British America. The inefficiency of the present system in Upper Canada is universally acknowledged. The salaries of Common School Teachers are an inadequate remuneration for the toil and care connected with the instruction of youth.

The following Table, which is believed to be in general, accurate, shows the proportion of children, who receive Common School instruction, to the whole population, in several European Countries, in several of the United States, and in Upper Canada:

#### PROPORTION OF PUPILS IN COMMON SCHOOLS TO THE WHOLE POPULATION.

	Pupils.	Inhabitants.
Wurtemberg.....	1	to 6
Switzerland.....	1	" 6.6
Bavaria.....	1	" 7
Netherlands.....	1	" 9
Scotland.....	1	" 10
Austria.....	1	" 13
England.....	1	" 15
France.....	1	" 17
Ireland.....	1	" 18
New York State.....	1	" 3.9
New England States.....	1	" 5
Pennsylvania and New Jersey States.....	1	" 8
Illinois State.....	1	" 13
Kentucky State.....	1	" 21
North Middle and Eastern States.....	1	" 9
Upper Canada.....	1	" 20 or 24

\* This is one of a series of articles written by the Reverend Jesse Hurlburt, A.M., Acting Principal of the Upper Canada Academy in 1839, 41. It is interesting from the survey which it takes of the current state of education in various Countries in Europe and in some of the States in the American Union as compared with Upper Canada, at that time. The table given shows that, with the exception of the Slave State of Kentucky, Upper Canada was lowest in the scale of educating countries.



I have seen no returns from the other British Provinces, from which an accurate estimate can be made. But the number of pupils, (to the whole population,) is probably not greater, and, in some Provinces, by no means as great as in Upper Canada. It will be seen from this Table, that the number of children who receive a Common School education in Upper Canada, is less, compared to the whole population, than in any other of the above-named Countries . . . Yet this estimate is exceedingly defective, as it includes all who have been in the Schools; those who have attended a month, with those who have been pupils for years. The case is quite different in those European Countries, in which children are compelled to attend school from the age of five, or six, until the age of fourteen years.

To renovate our School System, a class of Teachers must be trained up for the purpose; since no System of Education can prove successful without suitable instructors. Higher Institutions, as Colleges and Normal Schools, for the education of Teachers, ought to be established in Upper Canada. The public benefit of having Institutions of this high character in the community would be inestimable. Their influence upon the morals and intelligence, and, through these, upon the tranquility of the Country, would contribute most materially to a healthful and permanent prosperity . . .

The want of such Institutions has most seriously injured the Country. Young men, desirous of obtaining a liberal education, have had no alternative but to leave their native land, to obtain those facilities which could not be found at home. Some, knowing that they could not gain admittance into the Universities of Great Britain . . . and others from choice, as being nearer home, and less expensive, have chosen the United States, in which to obtain an education. In the past conditions of the Country, these difficulties have been too great to be easily surmounted; for, in a new state of society, but few have means at their command sufficient to meet the expenses of educating their children in a foreign Country; besides, but few in such a state of society feel the importance of a liberal education.

These obstacles are rapidly vanishing; capital is increasing in the Country, and members of the community are more deeply impressed than ever with the importance of being well educated. Some, having obtained an education, have returned home to excite in the bosoms of their young associates the same commendable ardour in the pursuit of knowledge; and nothing can prevent the number who will resort to foreign institutions from rapidly increasing, except affording equal facilities at home.

A few only of those educated abroad return. The reason is obvious. Young men becoming known, as they necessarily must, during the period of their studies, to the literary and influential men of the Nation, find, through their influence, a ready and favourable introduction into honourable and lucrative situations. Forming also associations . . . with the children of the wealthier families of the community, who resort from all parts of the Nation to the same Institutions; bound together by kindred pursuits, and by the recollections of early life;—their relations are too close and personal to be broken up, and their prospects too flattering to be relinquished; especially when, in doing so, they must enter upon a new state of society without any of the companions of their youth. Hence, most of those who are educated abroad never return to their native country. But let inducements be presented for them to remain at home; let Institutions be established, on broad and liberal principles, and we shall have the privilege of educating our own youth, and thus reap the benefit of retaining them, with all their influence, in the land of their birth.

COBOURG, 1840.

J. HURLBURT.

#### STATE, AND RECENT PROGRESS, OF EDUCATION IN UPPER CANADA, 1838-1841.

*The Church*, (the Episcopalian Organ), published in Toronto, on the 7th of August, 1841, gave the following particulars of the then State and Progress of Education in Upper Canada:—

In 1838, after the troubles of the preceding winter, there were more than 24,000 children receiving education in the Schools of Upper Canada, supported by the public funds. Since that time, there has been a steady increase in the number of Schools and pupils;—and we shall probably not be far wrong in estimating a large increase in the number of the former, and the latter, at more than 30,000. In proof of this, we would refer to the increase in our own Home District, exclusive of the City of Toronto. In 1838, the number of Schools in the Home District was 92;—of scholars 2,557. In January, 1841, the number of Schools were 123, and pupils, 3,767; and, in the last six months, there has been an addition of twelve Schools, and more than 650 scholars. Now, it must be borne in mind that we have hitherto taken into account only those Schools, which receive grants of public money. The number of private establishments for elementary instruction is much greater than is generally supposed; and we are not without both public and private institutions, which afford the advantages of a more extensive and liberal education.

## CHAPTER XII.

EDUCATIONAL PROCEEDINGS OF THE LEGISLATURE OF CANADA,  
1842.

On the 8th day of September, 1842, in the Town of Kingston, the Second Session of the First Parliament of the (United) Province of Canada was formerly opened. This was done by Sir Charles Bagot, who had been appointed Governor General of British North America, in place of the late lamented Governor General, Lord Sydenham, who, as mentioned on page 40 of this Volume, *ante*, died on the 19th of the proceeding September.\* At the opening of this Session of the Legislature, the usual ceremonies were observed, and Sir Charles Bagot, in his Speech from the Throne said :

I have endeavored to work out the objec's which the Legislature contemplated in passing an Act [of last Session] for the promotion of Education ; and I have not hesitated to adopt such measures as I deemed to be indispensable to the accomplishment of their intentions, until the subject could again be brought under their consideration, but it will be necessary to introduce several amendments into the measure, in order to insure its successful and beneficial operation. In the meantime it is gratifying to know the impulse which has been given to Education in its higher, as well as its elementary, branches. The result cannot fail to confer the most material benefits upon the whole Province.

## EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY, 1842.

*September 13th, 1842.*—Mr. Charles John Forbes moved to resolve, seconded by Mr. John Sandfield Macdonald, that an humble Address be presented to His Excellency the Governor General, to thank His Excellency for His gracious Speech from the Throne. The Honourable Robert Baldwin, seconded by Mr. Barthe, moved in amendment, that all the words after the word "That" in the said Resolution be struck out, and that the following be substituted

That this House is thankful to His Excellency for the desire evinced by him for the accomplishment of the wishes of Parliament in carrying into effect the Act for the promotion of Education, and that they rejoice that an impulse has been given to that important source of both public and private happiness and prosperity, in its higher, as well as its elementary, branches ; and feel assured that the result cannot fail to confer the most important benefits upon the whole Province.

NOTE.—The Resolution relating to Education proposed by Mr. Forbes was as follows :

That we shall give our most serious attention likewise, to the important subject of Education, in order to secure the successful and beneficial operation of the Act passed for its promotion ; and that, in the meantime, we are gratified to notice the impulse which has been given to Education in its higher, as well as in its elementary, branches—the result of which cannot fail to confer the most essential benefits upon the whole Province.

On motion of the Honourable John Neilson, seconded by Mr. James E. Small, it was—

\* On hearing of the fatal accident which betel Lord Sydenham on the 4th of September, 1841 the Reverend Doctor Ryerson addressed a Letter of condolence to Mr. T. W. C. Murdoch, his Chief Secretary on the 7th of that month. In it, he said :

I heard last evening with deep regret and concern that His Excellency had met with a serious, if not an alarming accident. I crave the liberty, through you, to express my humble and affectionate condolence with His Excellency in his misfortune and suffering. . . . I am prompted to this expression of my feelings . . . from a grateful and profound regard for His Excellency personally, and from a strong conviction that no interruption of his official labours can take place without public loss to the Province. . . .

Soon after Lord Sydenham's death, Mr. Murdock received a copy of a newspaper containing a reference to Lord Sydenham's death, written by Doctor Ryerson. He then wrote to him as follows, on the 13th of October.

I thank you for sending me the *Guardian*, containing your Letter on the death of Lord Sydenham. That letter I have read over and over again with the deepest emotion, and I cannot but feel how much more worthily the task of writing the history of his administration might have been confided to your hands than to mine.



ORDERED that the main Motion, and proposed Amendments thereto, be now referred to a Committee or the Whole House.

(NOTE.—This was done ; but the matter was subsequently deferred until the 17th instant.)

*September 15th, 1842.*—The Petition of the Municipal Council of the Niagara District, presented to the House on the 13th instant, was read : praying for amendments to . . . the District (Grammar) Schools Act.

(NOTE.—This Petition was referred to a Special Committee on the 22nd instant.)

*September 19th, 1842.*—The Petition of the Midland District Council, presented to the House on the 16th inst., praying for amendments to the School Act was read.

NOTE.—The Address to the Governor General, in reply to his Speech from the Throne, relating to Education, as amended, was agreed on the 17th instant, and was presented to His Excellency on the 22nd of September, 1842.

*September 22nd, 1842.*—The Petitions of the Municipal Councils of the District of Colborne, and of the District of Brock, were read, praying that the Common School Act passed in the last Session of the present Parliament, be amended.

*September 26th, 1842.*—The Petition of Mr William Robertson and others of the Township of Esquesing, praying that the Common School Act of the last Session of the present Parliament be amended, was read.

*September 29th, 1842.*—The Petition of the Reverend Andrew Balfour of the Village of Waterloo, praying an aid for a Grammar School in the said Village. This Petition was referred to a Select Committee to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers and records.

*October 6th, 1842.*—On motion of the Honourable John Neilson, seconded by Mr. James Leslie, it was—

*Resolved*, that an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, at the opening of the ensuing Session, a statement of the number of Students, or Scholars, attending each and every Institution of Education in this Province, to which any grant of the public money is made, with the classes to which they belong, the usual residence of the Students and Scholars, rates of tuition, and the branches of Education taught in such Institutions respectively.

*Ordered*. That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

*October 10th, 1842.*—Mr. William Hamilton Merritt moved, seconded by Mr. Henry Sherwood, that an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, in the manner herein-after directed, a Report containing the following tabular statements, videlicet : . . . 10th: a Return of the various funds appropriated for Education, showing amount of land sold, the proceeds thereof, under what control, and how invested ; including the various Colleges, as well as Common Schools.

NOTE.—The consideration of this Motion was postponed until another day, but it was not brought up again during the Session.

## EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL, 1842.

The Second Session of the First Parliament of the (United) Province of Canada was opened by Sir Charles Bagot, Governor General of British North America on the 8th day of September, 1842, with a Speech from the Throne—the educational portions are given on page 162 of this volume, *ante*.

*September 9th, 1842.*—The Honourable Peter B. De Blacquiere presented a petition from the Warden and Members of the Council of the District of Brock, praying that the present School Act may be altered and amended. Ordered that the same do lie on the Table.

The Honourable Adam Fergusson presented a Petition from Mr. Alexander Robertson, and others, School Teachers in Esquesing, in the District of Gore, praying that measures may be taken to secure to School Teachers a competent income and permanent employment ; also a Petition from the Municipal Council of the District of Wellington, praying that the Common School Act may be amended and simplified in its details. Ordered that the same do lie on the Table.



The Council then proceeded to the consideration of His Excellency's Speech at the opening of the Session, when it was

*Ordered*, That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for His Excellency's gracious Speech from the Throne . . . . . To acknowledge His Excellency's endeavours to work out the objects which the Legislature contemplated in passing an Act [at the last Session] for the promotion of Education, and His Excellency's adoption of such measures as His Excellency deemed to be indispensable to the accomplishment of these intentions until the subject could be again brought under their consideration. To assure His Excellency of the best assistance of this House in the introduction of any amendment into the measure which will tend to insure its successful and beneficial operation; and, in the mean time, to express the satisfaction of this House in noticing the impulse which have been given to Education in its higher, as well as in its elementary, branches, the results of which cannot fail to confer the most material benefits upon the whole Province.

*NOTE*.—This Address, containing this reference to Education, was presented to the Governor General on the 10th instant; to which he returned a gracious reply.

*September 10th, 1842*.—The Honourable Adam Fergusson presented a Petition from the Municipal Council of the District of Gore, praying that certain alterations may be made in the Common School Act.

*September 27th, 1842*.—Ordered that the Petition from the District Council of the District of Brock, praying that the present School Act be altered and amended, be now read. The said Petition was then read accordingly. Ordered, that the last mentioned motion, on the subject of the amendment of the Education Act, be discharged from the orders of the Day.

*September 29th, 1842*.—The Honourable Robert Baldwin Sullivan presented a Petition from the Western District Council, praying for certain amendments to the . . . . . School Act.

*NOTE*.—No other proceedings of an Educational nature took place in either House of the Legislature during the Session of 1842; and no reference to Education was made by the Governor General in proroguing the Legislature.

## CHAPTER XIII.

### PROCEEDINGS OF THE COUNCIL OF KING'S COLLEGE, 1842.

The following is a record of the Proceedings of the Council of King's College, so far as they are of special, or general, public interest. Routine proceedings in regard to the selling and leasing of lands, and those of a like local, or ephemeral, character are omitted:

*January 7th, 1842*.—The Honourable Levius Peters Sherwood, a Member of the Legislative Council, appointed a Member of this Council, in the place of the Honourable Robert Symson Jameson, now a Member, *ex-officio*, as Speaker of the Legislative Council, signed the Declaration prescribed by the Charter and took his seat in the Council.

The Committee appointed by the Council at a Meeting held on the 2nd day of October last, to consider certain arrangements proposed in respect to the liabilities of Colonel Wells, the late Bursar, having submitted their Report, on the 2nd day of November, \*1841, the Council approved of the Report, and directed that it should be carried into effect.

A Memorial, dated the 19th of October last, from Messieurs George P. and John D. Ridout, referring to their former Memorials, and again praying that the Council will accept of land in lieu of their Bond, and extending their offer of land to 800 acres, was read.

The Council having, on the former occasions, fully considered this matter, and having in their Minute of the 2nd of October last,† recorded their sense of the very honourable conduct of the Messieurs Ridout, in the transaction for which their Bond was given, and in that Minute, shewn their disposition to accept a payment in land, provided the number of acres

\* For Minutes of the King's College Council for 1841, see pages 63 and 72 of this Volume, *ante*.

† *Ibid*, page 72, *ante*.

offered were considered to be of adequate value, which was not the case on the former occasions, are now satisfied with the offer as extended to 800 acres, and, therefore, it is,

*Resolved* that the present proposal of the Messieurs Ridout be accepted; and that the Bond be given up to them, on the land being transferred with satisfactory titles to the College.

A Letter was read from the Provincial Secretary's Office, dated the 17th of December, 1841, on the subject of the Grammar School Funds; and transmitting a Report of a Committee of the Executive Council, (approved by His Excellency the Administrator of the Government,) on the Grammar School lands. The Letter and enclosure are as follows:

I have the honour to acquaint you, that Sir Richard Downs Jackson, the Administrator of the Government, in Council, has had under consideration your Letter, requesting instructions on the sale and management of the School Lands, under the 4th and 5th Victoria, Chapter 9, and that, on a consideration thereof, His Excellency was pleased to approve of a Report thereon by a Committee of Council, a copy of which I enclose for the information of King's College Council. I am, at the same time, to request that you will convey to the Committee of King's College Council, appointed to report on School Lands, and to their Chairman,—The Honourable John Simcoe Macaulay,—the expression of His Excellency's thanks for the great care and attention, which that Committee has bestowed in investigating and reporting on the School Lands. I am further to call your attention to the third section of the Statute passed on the 18th of September last, 4th and 5th Victoria, Chapter 19, as follows:

III. And be it enacted, that within three months after the passing of this Act, the Council of King's College or their Bursar, or Treasurer, shall transfer and pay over to the Receiver General, as aforesaid, all Debentures unredeemed, and sums of money arising from unexpended arrears of interest, which may have accrued thereon, and be at present held under the authority of the Act hereby repealed, by the said Council, or Treasurer, on account of the proceeds of the sale of School Lands as aforesaid, to be by the said Receiver General invested in debentures, and the interests and rents thereof, appropriated and distributed as hereinbefore mentioned.\*

This Section requires the King's College Council, or their Bursar, or Treasurer, within three months after its passing, to transfer, and pay over to the Receiver General, all Debentures unredeemed, and all sums of money arising from unexpended arrears of interest, which may have accrued thereon.

JAMES HOPKIRK.

KINGSTON, 17th of December, 1841.

*(Enclosure in the foregoing Letter—Order in Council.)*

Copy of a Report of the Committee of the Executive Council of the 14th day of December, 1841, approved by His Excellency, Sir Richard Downs Jackson, the Administrator of the Government, on a Letter of the Bursar of King's College, requesting instructions on the sale and management of School Lands, under the Provincial Statute, 4th and 5th Victoria, Chapter 19.

The Committee of Council have had under consideration a Letter from the Bursar of King's College, requesting instructions on the subject of the sale of School Lands, under the Provincial Statute, 4th and 5th Victoria, Chapter 19, and representing, in effect, that, although the Act provides that the management and sale of the said School Lands shall continue to be conducted by the said Council of King's College, until further provision shall be made in that behalf, at any future Session of the Legislature, yet the said Lands had never been managed, or sold, under the direction, or Superintendence, of the King's College Council.

By the Provincial Statute 2nd Victoria, Chapter 10, the funds arising from the sale of School Lands were placed in the charge and management of the King's College Council, and certain powers were given to that Body, in the disposal of the yearly proceeds of the invested funds, but, by the Statute first above mentioned, (4th and 5th Victoria, Chapter 19), these funds are directed to be restored to the charge of the Receiver General, and all power of disposition is taken away from King's College, and certain powers of the same nature are vested in the Executive Government.

During the time, in which the Council of King's College had the custody and charge of the funds arising from the sale of School Lands, a Committee of the College Council, with the Honourable John Simcoe Macaulay for its Chairman, laboured with great assiduity and success in restoring to order, and exhibiting a clear and regular statement of the condition of the School funds.

The Committee are convinced that the Government will feel great pleasure in acknowledging its obligation to Mr. Macaulay for the ability and care with which he pursued this difficult investigation, and for the satisfactory manner in which he shewed the result of his disinterested labours.

\* This Act is given full on page 55 of this Volume, *ante*.

The sale of the School Lands has been, of late years, conducted by Agents, formerly appointed during the continuance of the General Provincial Board of Education, but, without any system directed by the Government, or control exercised over the acts of the Agents.

No Department of the Government was in charge of this important branch of revenue, appropriated for Education; and, although the want of Departmental superintendence was always sufficiently felt, such was the difficulty of acquiring an accurate knowledge of the sales and accounts, that an inquiry and report, such as the one conducted in the Council of King's College, was deemed to be necessary, before the management of the School Lands could be transferred, with advantage, to any Office of the Government.

Under the misapprehension mentioned in the Letter of the Bursar of King's College, the Legislature, desirous, no doubt, that no change should be made in a mode of sale and management which was supposed to be in existence, until the same should be permanently settled, provided for the continuance of the sale and management of the School Lands by the King's College Council itself, whereas, in fact, these matters were never placed in charge of that Body.

The Committee of Council are of opinion that, as the Executive Government have the only charge of the disposal of the funds, and as these are in the hands of the Receiver General, and as, moreover, it is highly convenient that all public lands should be disposed of in one Department, the most advisable course would be to place the Schedules, furnished by the King's College Council, in the hands of the Commissioner of Crown Lands, with instructions to attend to the sale and management of these School Lands, and to the receipt of money due on former sales; and, with the further instructions, to adopt the Regulations lately made and approved by Her Majesty in Council, for the sale of Clergy Reserves, as applicable to the School Lands and the disposal thereof; and, further, that the sales and receipts be managed by the Commissioner of Crown Lands and his Agents in the Country, without further using the services of the former Agents for the sale of School Lands.

The Committee of the Executive Council further recommend that the Provincial Secretary for the Western division of the Province do see that this Order is carried into effect.

Certified,

KINGSTON, 14th of December, 1841.

W. H. LEE.

*January 26th, 1842.*—The Council of King's College met this day. The Bursar exhibited the following Statements of the unappropriated funds of King's College and of the Grammar Schools, videlicet :

1. Statement of the unappropriated funds of King's College on the 26th day of January, 1842 :—

	£	s.	d.
Provincial Debentures.....	35,744	5	5
Stock of the Bank of Upper Canada.....	250	0	0
Stock of the Gore Bank.....	187	10	0
Balance in the Bank of Upper Canada.....	1,570	14	3
Balance in the Bursar's hands.....	3	7	6
Interest due on Debentures.....	390	5	11
Royal Grant to Upper Canada College overdue, but not yet received .....	989	7	1
	£39,135	10	2

The Bursar reported that he had received a letter from Mr. W. H. Lee, Chief Clerk of the Executive Council, dated the 7th instant, stating that he holds a Warrant in favour of the Bursar of King's College for Eight Hundred and Ninety pounds, eight shillings and four pence, Sterling, (£890 8s. 4d.) being the appropriation in aid of Upper Canada College, from the 10th of February, until the 31st of December, 1841.

2. Statement of the Grammar School funds on the 26th of January, 1842 :—

	£	s.	d.
Capital in Provincial Debentures .....	14,359	0	0
Interest invested in Provincial Debentures until required.....	1,000	0	0
Interest deposited in the Bank of Upper Canada to the account of the Receiver General .....	685	11	3
	£16,044	11	3

*February 19th, 1842.*—The Right Reverend the President detailed to the Council the conferences which he had, a few days ago, with His Excellency Sir Charles Bagot, the Governor



General, Chancellor of the University, on the subject of immediately commencing the University. The President also placed before the Council the following Letters which he had received from His Excellency on the subject :—

My Lord,—I need hardly assure Your Lordship that I have given my most attentive consideration to the matters relative to the University of King's College, brought before me in the conversations which I have had with Your Lordship. I am most anxious to adopt the course which will be best calculated to bring that Institution into immediate and effective operation.

The propositions which you have submitted to me in regard to the commencement of the Building and the temporary occupation of those belonging to the late Legislature of Upper Canada, until the permanent edifice for the University can be erected, appear to be reasonable and expedient ; but it would be impossible for me, in my character of Chancellor, to take any formal and conclusive step in regard to them, without the advice and consent of the [King's College] Council. I have therefore to request that, on your return to Toronto, Your Lordship will bring these matters before the Council of King's College, with a view of their expressing to me, in a formal manner, their opinion respecting them.

I take this opportunity of expressing my sense of the patriotic spirit by which Your Lordship's communications to me on this subject have been prompted and governed.

Kingston, 15th February, 1842.

CHARLES BAGOT.

The Council after having extensively discussed the subjects thus brought under their consideration, adopted as a preliminary measure the following Resolution :—

*Resolved*, That the Principal of Upper Canada College, the Honourable William Allan and the Honourable John Simcoe Macaulay, be a Committee to draft and present, at the next Meeting of Council, a Report, embracing the following particulars, and such other matters, connected with the subjects of the finances of the University, as may seem to them expedient to submit, videlicet :

1. The present state of the Land Endowment of King's College and of Upper Canada College,—giving the number of acres sold,—the number of acres under Lease,—and the number of acres remaining on hand.

2. The particulars of the Land sold ;—the amount of purchase money ;—the portion received ;—the portion due,—the portion not yet due.

3. The particulars of Rents ;—the Annual receipts of Rents from the formation of the College to the present time ;—amount of arrears due ;—amount likely to be recovered ;—the annual amount of the Rent Roll as it stands at present ;—and as that roll will be seven years hence.

4. Statement of the actual Receipts and Disbursements of the two Establishments for the last three years,—excluding Investments, Loans and Debts,

5. The present assets of the two Establishments.

6. An Estimate of the available annual Income of the two Establishments.

7. The Arrears due from the Government on the Building Fund.

The President placed on the Table copies of the following Letters on the subject of the opening of King's College University, to which he had addressed to the undermentioned parties, and their replies thereto, videlicet:—

1. To the Judges of Her Majesty's Court of Queens Bench, (through the Honourable Chief Justice Robinson,) they being Visitors of the University of King's College.

2. To His Excellency Sir Charles Bagot, Governor General, as Chancellor of the University :—

1. *To the Judges of the Court of Queen's Bench Division, as Visitors of the University, (through the Honourable Chief Justice Robinson) :—*

It being my intention to proceed to Kingston, as soon as the winter roads are tolerable, in order, among other things, to press upon His Excellency, Sir Charles Bagot, the Governor General, the necessity of commencing the Buildings of King's College, and putting that Institution into immediate operation, it occurred to me, that the Judges of the Court of King's Bench, as Visitors of the University, might feel inclined to co-operate with me in promoting so desirable an object.

In requesting you to place before the Judges the enclosed representation, which I feel it my duty to make to His Excellency, Sir Charles Bagot, the Chancellor of the University of King's College, I do not expect them to identify themselves in any manner with its details and statements, for which I hold myself entirely responsible ; but I desire to make them aware of the course I intend to pursue, and shall be happy to receive their countenance and assistance in the way they may deem most proper.

TORONTO, 26th of January, 1842.

JOHN TORONTO.

The following Letter was received in reply :

We have read the copy of a Letter addressed by Your Lordship, as President of King's College, to His Excellency the Governor General, urging the immediate adoption of measures for bringing the University into practical operation, which letter has been laid before us by Chief Justice Robinson, with the Note addressed by Your Lordship to him, expressing a hope that the Judges of the Court of Queen's Bench, being Visitors of the University, may feel inclined to co-operate with Your Lordship in promoting so desirable an object.

We thank Your Lordship for this communication ; and, without reference to the past difficulties which have hitherto interfered, we heartily join Your Lordship in the expression of a wish that the long talked of University may be organized without further delay. We hope that a consideration of this very important subject may lead His Excellency, the Governor General to the conviction that no time should be unnecessarily lost in proceeding to establish the proposed Seat of Learning,—a measure which has hitherto been unfortunately protracted, and which, we have no doubt, is looked forward to by a large portion of the public with much anxiety.

We are happy to learn from Your Lordship's Letter that the College Funds will admit of an immediate beginning ; and feeling deeply how much has been hitherto lost by delay, we beg Your Lordship to add this expression of our opinions and wishes to such representations as you intend to make. And it would indeed afford us great satisfaction to find that any weight which may be attached to our sentiments, on account of our official connection with the Institution, shall assist in forwarding an object which we are persuaded cannot be looked upon with too much interest.

TORONTO, 31ST OF JANUARY, 1842.

JOHN B. ROBINSON, C.J.	} Visitors of King's College University.
JAMES B. MACAULAY, J.	
JONAS JONES, J.	
CHARLES A. HAGERMAN, J.	

Mr. Justice McLean happens to be absent from Toronto, otherwise I am sure that he would heartily unite with us in the wish we have expressed.

J.B.R.

#### THE REVEREND DOCTOR STRACHAN'S REVIEW OF THE KING'S COLLEGE CONTROVERSIES FROM 1827 TO 1842.

No man occupied so conspicuous a position, or was so prominent as an actor, in the stirring controversies in the early days of our educational history, as was the Right Reverend Doctor Strachan, first Church of England Bishop of Toronto. He was not always just to those who differed from him, nor was he always considerate of their feelings ; but he was one of those men, who, having reasoned the matter in controversy out in his own mind, expressed himself as his strong feelings may have dictated, and his judgment prompted.\*

In the following unusually long Communication, which Doctor Strachan wrote to the newly appointed Governor-General, Sir Charles Bagot, Chancellor, (in terms of the Charter, of the University of King's College), he gives an elaborate account of the proceedings which had led to the granting of that Charter, and of its very liberal terms, from an English archiepiscopal standpoint. He also refers to the unreasonable and unjust attacks made upon it, chiefly, as he stated, by the "adherents

\* The Reverend Doctor Ryerson, who was himself a noted controversialist and often crossed swords, as such, with Doctor Strachan, thus characterised his old antagonist in his "Epochs of Canadian Methodism, (1880) : " Upward of fifty years has passed away since my criticisms on Doctor Strachan's Sermon on the death of the Bishop of Quebec, [Jacob Mountain,] were written. On the reperusal of them, after the lapse of so long a time, the impression on my own mind is that Doctor Strachan was honest in his statements and opinions . . . . He was more moderate and liberal in his views and feelings in his later years, and became the personal friend of his old antagonist. The 'Reviewer,' [i. e. Doctor Ryerson,] he said "fought fair," page 145. "*The Story of My Life*," page 217. See also the interesting incident of a stage ride of the Bishop and Doctor Ryerson, mentioned on page 299 of "*The Story*."

of the Church of Scotland,"—they "leading the attack," and being "warmly supported in it "by large bodies of the Methodist Society."

The Bishop then goes on to point out, what he characterises as the selfish policy of these two Religious Communities, in their two-fold attack on the King's College Charter; for he says:—

No sooner did these two Religious Societies succeed in compelling such an alteration of the Charter as wholly deprives King's College of any religious character . . . than they have set themselves actively and successfully to work in obtaining . . . Charters for the foundation of two Colleges in . . . strict and exclusive connection with their respective Religious Denominations . . . and then seeking financial aid for their Institutions,—the one, (Queen's College) from the income of King's College, and other, (Victoria College) from the public revenue.

It is in this apparently fair, yet partial, statement of the proceedings of these two Religious Communities, that the President of King's College has done, (no doubt unwittingly,) injustice to the generous and self-sacrificing efforts of the Church of Scotland in Canada, and also of the Wesleyan Methodist Church for the promotion of education in the Province. As a matter of fact, these Churches, after waiting patiently year after year for the establishment of King's College, felt that this delay was telling seriously against the interests of their Communion, in the prolonged absence of facilities for the education of their Ministers, and of those of their laymen, who were desirous of entering the other learned professions. No one has more strongly pointed out this higher educational dearth than has Doctor Strachan himself in this very Letter to the Chancellor of King's College. Feeling this want keenly, as the years went on,\* and without any immediate hope of seeing it supplied, the two Churches mentioned put forth unusual efforts and established Institutions of their own, and for which they naturally sought aid for them from the Government and the Legislature, as pointed out by Doctor Strachan.

The following is the copy of Doctor Strachan's Letter to Sir Charles Bagot, dated the 26th of January, 1842, to which reference is made, and which was laid before the King's College Council at its Meeting, on the 19th of February, 1842:

The nature of the subject on which I take the liberty of addressing Your Excellency will, I trust, sufficiently excuse me for intruding upon Your Excellency so soon after the commencement of your administration, which, for the sake of every public interest, I earnestly hope may be less transient than those which have lately proceeded it.

2. It is my desire to bring under Your Excellency's consideration, as early as circumstances may permit, the present situation of affairs, as regards the proposed University of King's College, not doubting but that Your Excellency will feel, and readily acknowledge, the great importance of removing all obstacles to its being brought into active operation with the least possible delay.

3. Assuming that Your Excellency has not yet had an opportunity of informing yourself of the circumstances connected with this Royal Foundation, I beg leave to state them briefly, and shall have much pleasure in furnishing any more detailed information that Your Excellency may desire.

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\* See particulars of the proceedings in this matter of the Presbytery of Upper Canada, in 1832, mentioned on page 89 of this Volume, *ante*.



## ESTABLISHMENT OF QUEEN'S COLLEGE AND VICTORIA COLLEGE.

4. It has, probably, come under Your Excellency's notice, even in the short time of your residence in Canada, that a Collegiate Institute, in direct and exclusive connection with the Church of Scotland, is on the point of commencing the business of instruction at Kingston, and that another, connected as exclusively with the Methodist Society, has been for some time open at Cobourg, in this Province,—both possessing Charters, and the power of conferring degrees given, in the one case by the Royal authority, and, in the other, by an enactment of the Provincial Legislature.

## UNUSUAL DELAY IN ESTABLISHING KING'S COLLEGE UNIVERSITY.

5. It can scarcely fail to excite surprise as well as regret, that no similar Institution connected by the same ties with the Church of England, is yet in operation in Canada, nor any, in fact, from which its Members are not positively, and, in terms, excluded, so far as regards any share in their government, or in the office of Instructors, considering that the religion of the Church of England is the national religion of the Empire, with the exception of Scotland, that her Members are very numerous in all parts of the Province, amounting, in this city alone, to more than 6,000; and that they must be admitted to possess, even a greater proportion, than their numbers would indicate, of the wealth and intelligence of the entire population, it might naturally have been expected that those within her pale would have been the first, and not the last, to enjoy the opportunities of instruction in the doctrines of their Religion, and in the higher branches of learning.

## CAUSES OF THIS DELAY IN ESTABLISHING KING'S COLLEGE, STATED.

6. That the fact is otherwise is owing to circumstances, the force of which can perhaps be scarcely appreciated, even after so short an interval, by any one who has not been a witness, upon the spot, to the events of the last few years. The fault has not been with the Government, in neglecting, at an early day, to bestow their attention upon this most important subject; for Your Excellency will find, among the very earliest acts of the Colonial Government, honourable proof of their anxiety to lay the foundation of such an Institution, as those, which in the Mother Country, have so nobly contributed to the pre-eminence of her people, in all that constitutes the glory and prosperity of a state. The suggestions which were forwarded from the Government and Council of this Province, so very early as 1796 and 1797, were powerfully and warmly seconded by the Duke of Portland, then Secretary of State for the Colonies, and a large tract of land was set apart to form an endowment for a University, as soon as the circumstances of the Colony might admit of its establishment.

7. From that period, nearly thirty years were suffered to elapse, without any active measures being taken for carrying the design into effect. This may be accounted for, though perhaps not quite satisfactorily, from the facts, that the Province was still very thinly peopled—that its inhabitants were widely scattered over an immense space, with very imperfect means of communication, and were not, in general, in circumstances sufficiently opulent to make it probable that many of the youth would avail themselves of the advantages of such an institute and there was even a stronger reason in the fact, that the lands assigned as an endowment turned out not to be well selected, and, at a period when lands much better and more accessible were granted by the Government to settlers on very moderate terms, they could not have been converted into money without a ruinous sacrifice, which would have rendered the resources utterly inadequate to the purpose which they were intended to provide for.

8. When I say that, even these circumstances do not, perhaps satisfactorily account for the long delay in acting upon the early intentions of the Government, it is because I cannot forget, at how much earlier a period, speaking comparatively, as regards population and resources, most of the British American Colonies, which now form the United States, were in the actual possession of these Collegiate Institutes which have some of them maintained a high reputation, to this hour, and have contributed incalculably to the respectability and usefulness of the members of their learned professions; and to that general character for intelligence which distinguishes their people.

## STEPS TAKEN TO PROCURE A CHARTER FOR THE PROPOSED KING'S COLLEGE.

9. However, in 1827, when Upper Canada contained scarcely more than a fourth part of its present population, and earnest and effectual effort was made by the then Lieutenant Governor, Sir Peregrine Maitland, to engage the co-operation of the Government of England, in the actual establishment of an University, according to the original design.

## SALE OF LANDS TO THE CANADA COMPANY—ENDOWMENT OF KING'S COLLEGE.

10. The British Government had not long before contracted with an association formed in London, called "*The Canada Company*," to sell to them the Crown Reserves in Upper Canada, by which was meant those reserved lots, being in the proportion of one-seventh of the lots, in each Township, which had been reserved by the Government for future disposition, in conformity with the Royal Instructions, regulating the Grants of Land; and, in this sale to the Canada Company, such of these reserved lots were excepted as had been leased, in the meantime, to applicants, (as many of these were for the term of twenty-one years). The lots thus withheld from sale to the Company comprises rather more than 220,000 acres, and, being dispersed through the several Townships, were more valuable, and could, with more certainty, be made available for producing a fund than could those which had been set apart for the University.

11. It was, therefore, proposed by Sir Peregrine Maitland to the Secretary of State for the Colonies, that the Crown should appropriate these Reserved lots to the support of the contemplated University, in lieu of an equal quantity of the lands originally intended for that purpose, that a Charter for the University, to be called King's College, should issue without delay, under the Great Seal of England, and that measures should be taken, within the Colony, for bringing the Institution into operation as speedily as possible.

## DETAIL OF STEPS TAKEN TO PROCURE THE CHARTER OF KING'S COLLEGE.

12. I had been engaged during many years in the education of Youth in Upper Canada, and I may venture to say, not without very gratifying success; and His Excellency did me the honour to commit to me the task of soliciting and urging forward the Charter in England.

13. Lord Bathurst, (the then Secretary of State for the Colonies), whose memory I shall ever hold in the highest respect, entered warmly into the measure which the Lieutenant-Governor, (Sir Peregrine Maitland,) had recommended, and in that sacred spirit, and with those practical views that I feel perfectly assured, if His Lordship had continued to hold for three years longer the Seals of the Colonial Department, this Province would, for many years past, have been in the enjoyment of means of instruction, inferior to none upon this Continent.

14. The Charter was completed in April [15th of March,] 1827, not without some delay, occasioned only by the scruples felt in England, (on the part of the Government,) against making the Charter so open in its character, as I felt it would be desirable to make it,—having reference to the varied population, and the state of society in Upper Canada. In granting a Royal Charter for a College, which was to confer degrees in the Arts and Sciences, and, more especially in Divinity, it was deemed necessary to refer to His Grace the [Most Reverend Doctor Charles Manners Sutton,] Archbishop of Canterbury, and, notwithstanding the prevailing disposition of His Grace, and of the Government, to concede all that was just and reasonable, it was not without much difficulty that I succeeded in obtaining a Charter so comprehensive in its provisions, that none of a character so liberal had ever passed the Great Seal of England, for a similar purpose.

## PROVISIONS OF THE CHARTER OF KING'S COLLEGE EXPLAINED.

15. I take the liberty of enclosing to Your Excellency a copy of it as it originally issued\*; and Your Excellency, on perusing it, will find, that, while it was clearly and properly intended that the University should be a Body in connection with the Church of England, yet no test whatever was to be required of Teachers, or Scholars, with the single exception, obviously unavoidable, that graduates in Divinity must subscribe to the Articles of the Church of England, and that the Archdeacon of York was to be President of the Institution. The other Professors might have been Members of any Religious Community whatever, and so might those whom the Institution was to receive and instruct. The only connection which the Charter preserved with the Established Church was, that provision, which I have mentioned, in regard to degrees in Divinity, and the further provision, that the Members of the College Council, who were to regulate its affairs, and prescribe its discipline, were to subscribe to the Articles of the Church of England. The intention of this, no doubt, was to exclude religious dissention and rivalry in the management of the College, and to afford to Parents an open and certain security that one form of public worship only, and one religious faith, would be maintained and inculcated within the walls of the University, while its means of instruction would be open to all.

\* A copy of this Charter will be found on page 222 of the First Volume of this Documentary History.

16. The Charter was received in this Province, while Sir Peregrine Maitland was still in the Administration of the Government. A Council was immediately organized, and measures were taken for procuring the most eligible site for the College, and for deriving such an income from the lands as might soon make the Institution productive, in some degree, of those inestimable advantages which were reasonably to be expected from it.

#### PROTRACTED DELAY IN ESTABLISHING KING'S COLLEGE.—ITS EVIL EFFECTS.

17. Thirteen years have now elapsed, and up to this moment, no other benefit has been derived from it, than that its funds have been made to support another Institution, [the Upper Canada College] highly useful, certainly, but, which might, without difficulty, have been otherwise provided for, and which, like other similar Institutions, confining its instructions to the Classics and Mathematics, does not profess to teach any of those other branches of Science which are acquired in the Halls of our Universities, and which are necessary to qualify youth for the learned Professions, and to complete the education of a Scholar.

18. In that period I need not say how many scores of young men of promising talents may have entered upon their career of life, and have taken part in the public affairs of the country, without these superior qualities of the mind and heart, which the best means of instruction are the most likely to supply, nor can it be told what a disadvantage it may prove to the future fortunes of this growing Country, that such foundation has not been laid, even at this advanced period of her progress.

#### CAUSES WHICH OBSTRUCTED THE ESTABLISHMENT OF KING'S COLLEGE,

19. Your Excellency, I dare say, is in some measure aware of the impediments which have been allowed to prevent the Charter from being acted upon. Whether they ought to have been suffered to have that effect, it can serve no purpose to enquire now, for the past cannot be recalled; and Your Excellency is happily relieved from the necessity of reverting to contentions which were painful while they lasted, and which, it is much to be desired, may not be renewed.

20. I will, therefore, only state, in a few words, that the Charter, which in England was with difficulty conceded,—on account of the religious character of the College being insufficiently defined,—was objected to in the Colony by various Sects, and by many who did not profess to belong to any Church, and chiefly by popular Leaders in the Assembly, as being illiberal and exclusive in its character. Recent events, and the present position of some of those who took the most prominent lead in the attack upon the College Charter, have thrown light upon the object of their opposition,—if, indeed, it were possible that any sane and intelligent person upon the spot could have had doubts on that point. It is not a new discovery in public affairs, that those who aim at the gratification of a criminal ambition can only expect to succeed by first prostrating whatever is most secured and best established in Government and Religion.

#### INFLUENCES WHICH LED TO AN AMENDMENT OF KING'S COLLEGE CHARTER.

21. The British Government, willing, as it has appeared, to purchase tranquility at almost any sacrifice, shewed early a disposition to entertain objections against the Charter, which the Crown had granted; and, as the Lieutenant-Governor of the Province was made, by the Charter, Chancellor of the University, and his concurrence was necessary in the several arrangements which were indispensable, before the Institution could be opened,—the hesitation of the Secretary of State for the Colonies formed an insuperable barrier to the Council proceeding.

22. After some years of discussion, it was proposed to the College Council, [in November, 1831,] by Lord Goderich, the then Secretary of State, that they should surrender the Charter, in order that the Crown might grant a new one of a different character.\* I enclose to your Excellency a copy of the answer, which the Council thought it their duty to give.† The Provincial Legislature were afterwards invited, by the Government, to alter the Royal Charter by a Colonial Act.‡ A general disposition was felt to arrive at some conclusion which might admit of the Province receiving the benefit intended by the very munificent endowment which the Crown had granted, and the Act was passed [in 1837] of which I send Your Excellency a copy.‡

\* See page 54-56 of the Second Volume of this Documentary History, and pages 81-37 of the Third Volume.

† This reply is given on pages 31-37 of the Third Volume of this Documentary History.

‡ This authority was given in the Despatch of Lord Goderich, dated the 8th of November, 1832. See Page 112, 113 of the Second Volume of this Documentary History, and also page 201 of the Third Volume.

¶ A copy of this Act will be found on page 58, 89 of the Third Volume of this History.



It did not seem to the Legislative Council to be consistent with usage and with constitutional forms and principles that a Colonial Legislature should pass an Act wholly altering the provisions of a Royal Charter issued under the Great Seal of England, and they ventured respectfully to address His Majesty, suggesting that the same object might be accomplished by a less questionable proceeding. But the course which had been recommended was sanctioned and confirmed as regular, and the Bill was assented to and the provisions [modifying the original Charter in part] form the present Charter of King's College.\*

#### ESTABLISHMENT OF UPPER CANADA COLLEGE IN THE MEANTIME.

23. If those judged ill who desired to see the Royal foundation maintain its religious character, it is fortunate that their opinion was overruled, although it cannot be otherwise than entitled to respect, as being in accordance with the system long cherished and maintained in all parts of the United Kingdom. If they were right in their views, it is only to be regretted that, without the support of their Government, they found themselves unable to sustain them, and certainly not against its decided opposition. And it is not unworthy of remark, in connection with this interesting subject, that during the many years that the dispute lasted, the Seminary called Upper Canada College, founded by Sir John Colborne, (now Lord Seaton,) has been conducted, almost without exception, by Masters who are in Orders of the Church of England, and graduates of the English Universities. From the day of its first opening, a Clergyman of the Church of England has been at its Head. For some years, the four Masters were all Clergymen of the same Church. There are now five resident Masters, four of whom three are in Holy Orders, and the other is a Member of the Church of England. The School is supported from public funds, and is freely, and without scruple of jealousy, resorted to by children of parents belonging to every Religious Denomination—Roman Catholics, Methodists, Presbyterians, and various other Sects.

24. And so, am I persuaded, would it have been well for King's College, if it had been unhesitatingly carried into effect upon the principles upon which it was founded and conducted, as it certainly would have been, in that just and liberal spirit, which, in the present age, is necessary to the success of every great undertaking, and which is best secured, where the elements of distraction and dissension are excluded, by laying down and acknowledging a uniform system, and steadily maintaining it.

25. That this conviction must be nearly universal among thinking men, I can hardly refer to a more striking proof than the state of things, to which I have adverted, in the beginning of this Letter.

#### FOUNDERS OF QUEEN'S AND VICTORIA COLLEGES. OBJECTORS TO KING'S COLLEGE CHARTER.

26. The Church of Scotland and its Members in this Province were among the earliest and most strenuous assailants of the Royal Charter of King's College, as unfriendly to civil liberty, and unjust and inexpedient in its provisions. They were warmly supported in their attack by large bodies of the Methodist Society. And, no sooner did those two Religious Societies succeed in compelling such an alteration of the Charter, as wholly deprives King's College of any acknowledged religious character, and, consequently, of any security in respect to the doctrines which may be taught there, than they have set themselves actively and successfully to work in obtaining from the Government, and from the Legislature, Charters, for the foundation of two Colleges, in such strict and exclusive connection with their respective Religious Denominations, and that, not only the government of each College, but the whole business of instruction to be carried on within it, is required to be absolutely in the hands of those, who declare and subscribe themselves Members of the one Religious Society; and Your Excellency will perceive in how decided a manner it is provided that not the Members of such Church only, but the clerical Members of it, shall control and govern the whole.

26. The term "liberal," in the sense now frequently used, seems to mean little else than the absence of wholesome regulation and restraint, but, so far as it may be applicable to this subject, it is certainly undeniable that the original Charter of King's College, which the Members of these two Religious Bodies described as "exclusive and intolerant," is, beyond comparison, more liberal than those Charters which they have themselves applied for and obtained for similar purposes; and, surely, when they petitioned for such Charters, as have been granted to them, they gave the most unequivocal evidence that, in their conviction, at least, the welfare and harmony of such Institutions could, only be insured by founding them in

\* This question was raised in a Report on the Subject by the Legislative Council, in 1837. See page 64 of the Third Volume of this History. A number of opinions on this question will be found on page 204-210 of the same Volume.

avowed and strict connection with some known form of Religious Doctrine and Worship,—in other words, they have acknowledged that the object, which the slight restraints in King's College Charter were meant to secure, was reasonable and necessary, and ought to have been guarded by more strict and effectual conditions than that Charter contained.

27. They may answer: 'that these are Institutions not endowed by the State but supported wholly by the private contributions of the Members of their respective Bodies.' But, in the first place, the fact is not so, for they have both applied for, and one of them, [Victoria College] has obtained assistance [£500] from the public Revenues of the Province, and it is remarkable, that the adherents of the Church of Scotland, after leading the way in the attack upon King's College, actually pressed upon the Government an application for a portion of the annual income destined for that University, to be applied to the support of [a Theological Professor in] their Institution, in which no subject of the Crown, not being a Member of that Church, could have any concern, either as a Governor, or Teacher.\*

28. But, if they could say truly, that they had neither received nor applied for any support from the public Funds, I do not see that the force of the inference to be drawn from their conduct, as contrasted with their former complaints, would be in any degree lessened. For, if, when all depended on their own wish, and was within their own control, they desired to have their College founded in exclusive union with their single Church, it must, in justice to them, be presumed that they considered that such a desire was both reasonable and judicious. And surely, they cannot mean to insist, that the Sovereign alone should be disabled from founding an Institution for learning, upon sound and safe principles, or that the National Church of the Empire is the only Religious Community, whose doctrines and Worship should be looked upon with jealousy and distrust.

29. Nevertheless, such is the relative position in which the Church of England, at the end of what I have always looked upon as a most unreasonable controversy, finds herself placed.

30. It was not my intention, when I began this Letter, to enter so fully into the statement of what has passed in relation to King's College; but I have been insensibly led on by the interest which I feel on the subject, and which Your Excellency, I trust, will excuse, on account of my early and particular connection with it. And I have been, in some measures influenced by the consideration, that such a retrospect was necessary to place the matter in an intelligible form before Your Excellency.

#### OBJECT OF THIS LETTER TO PROMOTE THE EARLY ESTABLISHMENT OF KING'S COLLEGE.

31. My design was respectfully to solicit Your Excellency's attention to King's College, in the hope of leading to an important, practical, result. And, with this view, I proceed to state that the College Council have, since the year 1828, been engaged in realizing a fund from the lands granted as an endowment. They have governed themselves throughout by these two principles, which seemed necessary for preventing an injudicious sacrifice of their resources. *First*, they have sold no lands for a less price than twenty shillings per acre; and *Secondly*, they have forborne to spend any part of the principal of their Funds. Their revenue, from interest accruing upon purchase money, has been in a great degree absorbed by advances made for the support of the Public School, called 'Upper Canada College,' which has no Charter, but is now, by an Act of the Legislature, connected with the proposed University.

#### AMPLE PREPARATIONS HAVE BEEN MADE FOR THE ESTABLISHMENT OF KING'S COLLEGE.

32. But they have also expended a considerable sum in making such preparations for the University, as I am persuaded Your Excellency will think have been judicious, and not more than commensurate with the scale required, by the extent of the endowment, and by the future prospects of this already flourishing and prosperous Colony. A tract of one hundred and fifty acres of land was purchased in the year 1828,† in the immediate vicinity of this City, combining every requisite and advantage suitable to the purpose. A handsome avenue, leading to it from the City, has been formed, and planted, and the Grounds have been gradually brought into that state, that, I think I may venture to say there is no where upon this continent, anything of the same kind superior to it, and I doubt if there is anything equal to it.

33. Your Excellency, however, I trust, will soon have it in your power to judge of this by actual inspection. This kind of preparation must necessarily be the result of time, and was, therefore fortunately undertaken at once, and in consequence, a very beautiful and, in every way, appropriate Site is now perfectly ready for the reception of such Buildings as it may be

\* For detailed information on this subject, see Chapter VI, pages 88-105 of this Volume, *ante*.

† See page 221-226 of the Second Volume of this Documentary History.



deemed convenient to erect. The Council has also devoted much attention to the plan of the proposed Buildings, and have long been prepared to submit, for the consideration of the Chancellor of the Institution, Elevations, Specifications and Estimates, framed by very competent persons, from which such a selection may be made as will admit of the gradual expansion of accommodation, to meet the growing wants and suit the increasing means of the Institution.

FURTHER INFORMATION WILL BE FULLY SUPPLIED.

34. All this, and whatever further information may be required by Your Excellency, either in respect to the past occurrences, or the present actual condition of the affairs of King's College. I shall be most happy to lay before Your Excellency, with the least possible delay, and in as a detailed and precise a form as may be required : and I am prepared to show to Your Excellency that, so far as funds are concerned, there need be no more time lost in putting the Province in actual possession of the greatest benefit perhaps, which the generosity of the Parent State could have conferred upon it, not of course, in the fullest extent, but in such a degree as shall leave us no longer subject to the reproach of being wholly without such means of instruction in the Sciences, as exist in every other Colony and Country of equal population.

35. After the Charter had been altered, so as to deprive it of even a semblance of any defined religious character, I know not what may have been imagined as a reason for delaying to act upon it. It is probable that the unsettled state of public affairs of late years, and the necessity which the Government has been under of giving their attention to the details, consequent upon the changes made in the Constitution of the Colony, have alone led to it.

36. But now, that things may be expected soon to assume the form of a settled government, I do most earnestly and anxiously hope, that not a moment may be lost in giving actual existence to a College, in which the Members of the Church of England, if they are to have no peculiar interest may, at least, claim admission in common with others, as Governors and Teachers.

37. I need not say that with a population of 500,000 souls, the Province is ripe for such an Institution ; that the best interests of the people and of their government require it ; and that it will be a high and gratifying distinction, if Your Excellency's Administration of it shall be reserved for Your Excellency, as Chancellor of King's College, to lay the visible foundation, and call into actual existence an University, in which the youth of Canada may obtain under able and experienced Instructors, such an education as may fit them for their relative and social duties, in a manner worthy of the Country they inhabit, and of the Empire to which they belong.

38. Not a year passes in which I have not the pain of witnessing most promising young men, excellently prepared for the Lectures of an University by the course of tuition in Upper Canada College departing for ever from the Halls of learning, and entering upon the actual business of life without that completion of their education, which is necessary to store their minds with knowledge, and to form their character as men, and to give them the right application of that learning which they have spent years in acquiring.

39. I again pray Your Excellency, to excuse the length at which I have found it necessary to address you.

JOHN, TORONTO.

TORONTO, 26th January, 1842.

*February, 23rd, 1842.*—The President of the Council laid before it the following Letter, dated the 19th instant, which he had received from Sir Charles Bagot, Chancellor of the University, since his recent visit to Kingston, in connection with the Letter which he had addressed to the Chancellor on the 26th ultimo, and which he had laid before the Council at its last Meeting :—

My Lord,—Since your Lordships departure from hence, I have had an opportunity of seeing Mr. Macaulay and explaining to him the great inconvenience which was occasioned by the unavoidable absence from Toronto of some of the Members of the Council of King's College, whose duties compelled them to reside in this place during a great part of the year ;—and how much the business of the Council might be assisted if he would allow me to appoint to the Council, in his place, some person who was more constantly on the spot.

Mr. Macaulay entered fully into our views of the subject, and having immediately sent in his resignation of the office, I have great pleasure in acquainting your Lordship that I have in consequence nominated the Reverend Henry James Grasett to supply his place.

CHARLES BAGOT.

KINGSTON, 19th February, 1842.



The Reverend Henry James Grasett signed the declaration prescribed by the Charter of the College and took his seat.

The Bursar submitted the following Report of the unappropriated funds of King's College. Statement of the unappropriated funds of King's College on the 23rd of February, 1842.

Provincial Debentures . . . . .	£35,894	5	5
Stock of the Bank of Upper Canada, Toronto . . . . .	250	0	0
Stock of the Gore Bank, Hamilton . . . . .	187	10	0
Balance in the Bank of Upper Canada . . . . .	1,271	14	0
Balance in the Bursar's Hands . . . . .	4	0	2 $\frac{1}{2}$
Interest due on Debentures . . . . .	464	6	0
	£38,071	15	7 $\frac{1}{2}$

#### STATUTES RELATING TO THE ERECTION OF THE BUILDING FOR KING'S COLLEGE.

The President submitted the following draft of proposed Statutes of the University of King's College, in regard to the proposed Building for the University, which was approved.

Be it enacted and ordained by the President and Scholars of King's College University, at Toronto, in the Province of Canada:—

That a portion of the Buildings contemplated for King's College, according to the plans submitted by the Architect, and approved of by His Excellency, the Chancellor, be contracted for forthwith.

2. That the said portion so to be constructed and erected to consist of the south-west and south east wings.

3. That a sum, not exceeding Twenty Thousand pounds, (£20,000,) which sum, as it appears from the Report of the Finance Committee, can be spared without inconvenience, be expended on such Buildings, and making the various accommodations necessary to render them fit for the purposes of the University.

4. That the following Members of the College Council be appointed to contract for and superintend the erection of the said buildings . . . . .

5. That until these Buildings are completed, the temporary occupation of those belonging to the late Legislature of Upper Canada be respectfully solicited from His Excellency the Governor General, for the purposes of the University.

JOHN TORONTO.

TORONTO, 19th February, 1842

The subject of bringing the University into immediate operation being again maturely considered, the Council adopted the following Resolutions, framed, and proposed by the Honourable Attorney-General Draper:—

*Resolved 1.* That, in the present state of the funds of King's College, it would be, in the opinion of this Council, both unnecessary and unwise further to delay the organization of the University.

*Resolved 2.* That the sum of £16,000 may with safety be expended during the next three years in erecting a portion of the College Buildings, without impairing the sufficiency of the income for payment of salaries to Professors and other annual expenses, which the immediate opening of the University will occasion.

*Resolved 3.* That the repeal of the Provincial Act, 2nd Victoria, chapter 10, renders it inexpedient to take any proceedings in furtherance of Chapter two of the University Statutes, and, that the repeal thereof will tend to facilitate the arrangements requisite for carrying the foregoing Resolution into effect. (See page 302 of the Third Volume of this History.)

*Resolved 4.* That, until the College Buildings can be completed, it is desirable that a temporary provision should be made for carrying on the course of Academic instruction, and for the accommodation of Professors and Students.

*Resolved 5.* That, for the purpose of affording the necessary facilities to Students in the Faculty of Medicine, it would be highly advantageous if the use of the Toronto General Hospital could be obtained for the present, and the Council are of opinion that, by devoting an annual sum to maintain beds for a certain number of patients, in addition to those which the funds at the disposal of the Trustees enable them to provide for, an arrangement might be made beneficial to the University, while it would extend the usefulness of the General Hospital.

*Resolved* 6. That the foregoing Resolutions be transmitted to His Excellency the Chancellor, with an humble request that His Excellency will be pleased to take them into his early consideration, and to authorize such measures for giving effect to the desired object, as shall appear to him most conducive to that result.

NOTE. These Resolutions were enclosed in a Letter to the Honourable Samuel B. Harrison, Provincial Secretary, West, on the 1st of March, 1842.

*March 2nd, 1842.*—The Council entered upon a minute investigation of the State of the University finances as set forth in the following statement, with a view to ascertain the extent of their means for carrying into operation the University. After much deliberation, the subject was deferred until the next Meeting.

### FINANCIAL STATEMENT RELATING TO KING'S COLLEGE, 1839-1841.

The Committee, appointed on the 19th instant to make a Report, on the Financial State of the University of King's College, laid the following Statement in regard to the endowment and financial affairs of the University before the College Council.

#### 1. The University of King's College.

Originally granted as an endowment of King's College....		Acres 225,944
Deduct errors in measurement of land .....		“ 2,405 $\frac{1}{4}$
Actual endowment .....		Acres 223,538 $\frac{3}{4}$
Portion of the foregoing land sold .....	Acres 97,460 $\frac{1}{4}$	
“ “ “ “ leased .....	„ 105,315 $\frac{1}{2}$	„ 202,774 $\frac{3}{4}$
Remaining unsold and unleased .....		Acres 20,764
Instalments received on account of sales of Land.....	£74,548 11 5	
Interest received .....	19,220 15 11 $\frac{1}{2}$	
Rents received .....	15,376 1 3	£109,145 8 7 $\frac{1}{2}$
Disbursed on account of Upper Canada College.....	£37,992 10 5 $\frac{1}{2}$	
Purchase and maintenance of the University Grounds...	12,917 0 4	
Expenses of all kinds, including the Bursar's Office ....	12,887 0 3 $\frac{1}{2}$	63,796 11 1
Available Balance.....		£45,348 17 6 $\frac{1}{2}$
This balance is composed of the following:—		
Government Debentures.....	£35,669 13 9	
Bank Stock .....	437 10 0	
Cash .....	1,696 6 10 $\frac{1}{2}$	
Mortgages.....	7,545 6 11	
		£45,348 17 6 $\frac{1}{2}$
Instalments on sales of Land, now due .....		£22,169 7 6
Mortgages, now due.....		7,545 6 11
Interest on Instalments up to the 31st of December, 1841		8,331 16 9
Rents due .....		15,277 10 9
Total amount now due the University....		£53,324 1 11
Instalments on Lands sold, and not yet due .....		£22,183 0 0
Interest on the same up to the 31st of December, 1841..		6,660 0 0
Total amount not yet due .....		£28,843 0 0

#### Estimate of the available annual Income of the University of King's College :

Government Debentures .....	£34,606 15 5	
“ “ .....	Interest @ 6 %	£2,076 8 1
“ “ .....	200 0 0	
“ “ .....	Interest @ 5 %	10 0 0
“ “ .....	1,087 10 0	
“ “ .....	Interest @ 2 %	21 15 0
Interest on Instalments and Debts now due .....		1,782 17 8
Interest on Instalments not yet due.....		1,330 19 7

Average Annual receipts, on account of Rents of leased Lands .....	1,530	0	0
Bank Stock .....	35	0	0
	£6,787	0	4
Deduct charges of management .....	1,500	0	0
	*£5,287	0	4
Present Amount of Rent roll of King's College, (1842)...	2,483	0	5
Rent Roll at the end of seven years .....	3,304	11	7
Estimated Increase. ....	821	11	2
Interest on the probable sale of 20,000 Acres of Land, at an average of 25/- per acre .....	1,500	0	0
Additional Interest then payable on £1,287 10 0 of Government Debentures.....	45	10	0
Additional Income in seven years.....	£2,367	1	2

### 2. Upper Canada College.

Statement of the present state of the Endowment and financial affairs of the Upper Canada College.

				Acres
Granted as an Endowment .....				63,268
Deduct errors in measurement.....				29½
Endowment.. .....				63,238½
Acres of Land Sold. ....	18,627½			
Acres of Land Leased.....	5,816			24,443½
Acres still Undisposed of .....				38,795
Instalments received on account of sales of Land and debts due .....	£ 9,474	14	6	
Interest received.....	766	8	7½	
Rents received .....	268	17	3	
College dues and grants .....	26,959	10	9	£37,479 11 1½
Disbursements of all kinds made .....				75,415 7 6
Balance paid by King's College.....				£37,945 7 4½
Instalments on sales of land, now overdue (say) .....				£6,000 0 0
Arrears of College dues (say).....				5,600 0 0
Arrears of College debts (say) .....				678 4 0
Interest payable on Instalments (say).....				2,600 0 0
Rents due on the 31st of December, 1841 .....				237 15 0
Total amount now due .....				£15,115 19 0
Instalments not yet due (say) .....				£4,314 0 0
Interest on same up to the 31st of December, 1841 .....				1,000 0 0
				£5,314 0 0

### 3. Finances of King's College, 1839-1841.

Receipts and Disbursements of the University of King's College for the years 1839, 1840 and 1841:—

Receipts.	Disbursements.	Surplus.
In 1839—£ 7,624 7 0	£2,194 17 9	£5,429 9 3
“ 1840— 10,284 11 5½	3,828 11 5½	6,456 0 0
“ 1841— 13,280 4 11	3,997 8 10½	9,982 15 0½

\*NOTE by the Committee. This amount is independent of the sum required to erect the Buildings at present contemplated; the fund for which will be produced by the payment of arrears of income.



4. *Finances of the Upper Canada College, 1839–1841.*

Receipts and Disbursements of Upper Canada College for the years 1839, 1840 and 1841:—

Receipts.	Disbursements.	Deficiency.
In 1839—£3,576 3 6½	£4,473 9 2	£ 897 5 7½
“ 1840— 5,620 6 6	7,276 15 8	1,656 9 2
“ 1841— 3,719 11 9	5,453 15 4	1,734 3 7
Present Rent Roll of the Upper Canada College.....	£129 6 6	
Rent Roll at the end of seven years.....	194 2 3	
Estimated Increase.....	£ 64 16 9	
Interest on probable sale of 20,000 Acres of Land, at an average of 12/6 per acre .....	£750 0 0	
	£814 15 9	

J. SIMCOE MACAULAY, for the Committee.

TORONTO, 23rd February, 1842.

*March 5th, 1842*—The President placed before the Council the following Letter from His Excellency the Chancellor, dated the 1st instant:—

“My Lord,—In looking over a copy of the Statements of the present condition of the endowment and finances of King's College, I am struck with the very large amount of rent and interest that appears in arrears.

As the projected expenditure for Buildings may well be defrayed out of this fund, it appears to me desirable, that no time should be lost in collecting at least sufficient thereof to meet payments to become due on building contracts, and to supply money for the purchase of a Library, Philosophical Apparatus, Etcetera, and the fitting up of those temporary accommodations which the immediate organization of the University would render necessary.

I have, therefore, the honour to request Your Lordship to bring the subject under the early consideration of the College Council. Perhaps, the employment of a person, who will devote his time to this occupation will be the best mode of insuring success. He might be paid solely by a percentage on the sum he collects, unless, in such cases, as the Council might think necessary to resort to legal coercive proceedings.

KINGSTON, 1st of March, 1842.

CHARLES BAGOT.

The Bursar was ordered to prepare, by the next meeting a Report on the state of the arrears due to the University, and referred to by His Excellency.

*March 12th, 1842*—The Bursar submitted a Report on the arrears of Interest and Rents due to the College, for the information of the Chancellor, and called for at the last meeting of the Council.

A Letter from the Solicitor was read, dated the 4th instant, on the subject of the Right of Way in the College Avenue, claimed by the Law Society of Upper Canada. The consideration of this Letter was deferred, and the Registrar was directed to collect and bring forward the Minutes and Documents which the Council has already passed on this subject.

## USE OF THE PARLIAMENT BUILDINGS GRANTED TO THE UNIVERSITY.

The Honourable Attorney General Draper transmitted to the Council, a certified copy of an Order in Council, passed on the 28th, ultimo, placing the Council of King's College in possession of the Parliament Buildings, Public Offices and Grounds in Toronto, by License of Occupation, or Lease, for the term of three years under certain conditions specified in the Order, for the purposes of the University of King's College.

Executive Council Chamber, Kingston, Monday the 28th of February, 1842.

Present: His Excellency, The Governor General in Council:

His Excellency was pleased to submit, for the opinion of the Council, the expediency of a temporary appropriation of the Parliament Buildings and Public Offices in Toronto, for the purposes of the University of King's College, until the Buildings intended for the University, and about to be erected, shall be in a sufficient state of forwardness to be used.

And the said matter being considered, His Excellency, with the advice of the Council, was pleased to order, that the said Buildings and Grounds be placed in possession of the Council of King's College, by License of Occupation, or Lease, for the term of three years, upon the following terms, *vide*lecet :—

1. The Buildings to be kept in repair, and restored in full repair as at present, upon revocation of the said License, or Lease, at the pleasure of the Government, and at the expense of the University.

2. That any alterations made by the College, be restored, upon the delivery up of the premises, so that the Buildings shall be in the same state and form as at present, if the same shall be required.

3. That the said Buildings be insured, and continued to be insured, at the expense of the College, during the continuation of their occupation by that Body.

4. And, that possession of the said Buildings shall be delivered up, upon the requisition of the Government, or of any Officer, or Person, authorized to demand the same.

KINGSTON, 28th February, 1842.

Certified Wm. H. LEE.

*Ordered* That Mr. John Richey, Builder, be directed to inspect the Parliament Buildings, and report upon the expense that may be necessary to be incurred, so as to render these premises fit for the occupation of the University.\*

#### ELABORATE FINANCIAL STATEMENTS RELATING TO THE UNIVERSITY OF KING'S COLLEGE, AND THE UPPER CANADA COLLEGE.

*March 15th, 1842*—The Chairman of the Finance Committee submitted the following Report, with illustrative Documents, in connection with the Financial Statement, which was laid before the Council of King's College on the 23rd of February, 1842 :—(*Page 177.*)

The Committee of the Council of King's College, appointed to Report on the financial affairs of the University have prepared an estimate of the probable Receipts on account of Income, up to the year 1866, inclusive ; and also an account current, shewing what sums may be expended on the University without impairing the endowment.

The estimate of the probable Income of the University, is based on the following data and assumptions :—

1. The annual amount of interest now received on Government Debentures and Bank Stock is £2,143.3.1.

2. The annual interest on Instalments, now due and unpaid, is £1,829.1.7.

3. The investment of the present cash balance will produce an income of £230.17.5.

4. The annual interest on mortgages is £471.9.7.

5. The Instalments on sales of Land, not yet due, amount to £24,635.19.5, and the interest annually falling due thereon is carried to account, being, for the present year, £1,301.11 11.

6. The arrears of Interest due, on Instalments past due, amount to £10,931, which, it is assumed, may be collected in six annual payments of £1,821.16.8 each.

7. The arrears of Rent amount to £15,515.5.9, of which £10,000 may be recovered in six years, giving an annual instalment of £1,666.13.4.

8. The rents amount to £1,862 per annum.

9. Assuming that £2,700 of the arrears of Dues to Upper Canada College, may be collected in six years, we get an annual instalment of £450.

It is further assumed, that sales of Land will be annually effected to the amount of £8,000, —that having been heretofore the average amount of sales.

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\*On the 21st of the same month (March. 1842), Mr. J. G. Chewett was also directed to report the "state of fitness" of the Parliament Buildings for occupation by the University. The result of the joint enquiry subsequently was that the Buildings were repaired at a cost of "about £200." (*Commissioners Report, 1848-1852, pages 244, 245.*)

In the amount current, £4,000 is entered as the charge, on account of the University for the present year, and £4,000 the charge to procure books and instruments, to furnish the Museum, Laboratory, and to defray other incidental expenses. £18,000 is appropriated as a Building fund, to be expended within four years from this date. £2,145 is allowed as the annual charge on account of Upper Canada College; and £1,500 for the expenses of the Bursar's Office, which includes keeping the Grounds in order, and sundry incidental expenses.

The several sums required to be borrowed may be taken from the incoming capital of the Institution, the receipts of which will probably fully meet these demands.

The debt proposed to be incurred will be repaid in 1865, when the annual income will amount to £14,000, together with the rents which may be receivable on 70,000 acres of land which will yet remain unsold.

The Committee have assumed that 6,400 acres of land, which is below the average amount of annual sales, will be sold annually, at an average price of £1.5 per acre, until all the lands, now under lease and improved, have been disposed of, videlicet, about 96,000 acres. There will then remain, on lease, or undisposed of, 74,689½ acres, the estimated value of which may be taken as follows: 74,689½ acres at £1 per acre, £74,689.10.0.

This sum invested at 5 per cent. will produce an income of.....	£	3,734	9	6
Estimated Income of 1867, less rents.....		13,167	3	9
		£16,901	13	3
Maximum Income allowed by Statute to the University.....		16,666	13	4
Estimated excess of Income.....	£	234	19	11

In the view taken by the Committee of the financial prospects of the University, care has been taken not to over-estimate the receipts, which will, as they believe, exceed their recorded anticipations,—more especially if diligence be used in collecting the outstanding claims, and the debtors of the University be notified, that the Council will not allow the arrears of income to remain at any time unliquidated.

In conclusion, the Committee beg to observe, that, if the Royal Grant, (from payments to the Government by the Canada Company), in aid of the Building Fund of the University be obtained, that sum, together with the £18,000 allowed for in the accompanying account current, will be sufficient to defray the cost of building the two wings and the Chapel, affording all the accommodation now required. All of which is respectfully submitted.

J. SIMCOE MACAULAY, for the Committee.

TORONTO, 12th of March, 1842.

Much reproach rested, and very justly, upon the old King's College Council prior to 1840, for its want of care in the supervision of the Finances of the projected University of King's College. No such reproach can, however, rest upon the later Council, nor indeed on it for some time subsequent to that date. Before entering upon the duty of providing suitable Buildings for the University, the Council appointed a very judicious Committee to prepare, not only a comprehensive statement of the then actual Financial condition of the King's College estate, (in 1842), but requested it to prepare, which it did, a very carefully considered estimate of the possible and probable income of the University for a long series of years to come,—that is from 1842 to 1867. These statements and the preceeding ones, laid before the Council on the 2nd instant, page—177, *ante*, are of the most clear and comprehensive character, and furnish abundant evidence of the minuteness and care with which they were prepared.



It is but just to the Council of King's College to notice the fact, that, during all of these years, the supplementary maintenance of the Upper Canada College, out of the funds of King's College, was felt to be most onerous and embarrassing. Although the President of King's College acquiesced in this depletion of the funds of his favourite Institution, yet he felt that it was unjust to that higher Institution, which he had so earnestly sought to establish; but he also felt that this depletion of the funds of King's College was practically a bar to the speedy establishment of King's College, for which he had ardently desired so long.

In his Letter of the 26th of January, 1842, to Sir Charles Bagot, (see page 168, *ante*.) Doctor Strachan called attention to this fact, and said:—

Recently they had forborne to spend any part of the principal of their Funds. Their revenue, from interest accruing upon purchase money, has been in a great degree, absorbed by advances made for the support of the Public School, called Upper Canada College, which has no charter, but is now, by the Act of the Legislature, connected with the proposed University.

Up to 1842, the advances made to Upper Canada College (as shown in the statement on page 177, *ante*, from the funds of King's College, had been One Hundred and Fifty-four Thousand, Seven Hundred and Eighty-one dollars (\$154,781), or (£37,945.74.)

The Reverend Doctor McCaul, in his answer to a Question proposed by the Commissioners, appointed by Lord Elgin, (Chancellor), in 1848, to enquire into the affairs of King's College, referring to the same subject, said :

Before two years had elapsed [*i.e.* in 1831 ?] The University funds were charged with the expense of building the Upper Canada College, and the support of that Institution; . . . During the administration of Sir John Colborne, the establishment of the University, was indefinitely postponed; and the Council of King's College during that period, appear to have no other object in view than providing the necessary funds for maintaining Upper Canada College and investing the balance.\* . . . (*Report of the Commissioners, 1848-1852, page 189.*)

In his reply to another Question of the Commissioners appointed by Lord Elgin in 1848, to enquire into the finances of the University, Doctor McCaul thus referred to this elaborate financial Report of the Committee of the College Council, made in 1842:—

In 1842, previously to laying the foundation of the University Buildings, a strict investigation was made into the Financial Affairs of the University, and a Report was drawn up. . . . This Report was approved and adopted. . . . (*Ibid, page 189.*)

Professor Gwynne who also answered certain questions put by the same Commissioners, referring to this financial Report of 1842, says:

"The Report was presented by the Finance Committee to the Council on the 18th of March, 1842: a document of very great importance, and to which I shall have repeatedly to call the attention of the Commissioners. (*Ibid, page 200.*)

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\*The debt of Upper Canada College to the University of King's College was cancelled by the Act of 1849, 12th Victoria, Chapter 72, Section 68. See page 190 of the Third Volume of this Documentary History.

ESTIMATED INCOME OF THE UNIVERSITY FOR TWENTY-SIX YEARS IN ADVANCE,  
AND UNTIL 1867.

ILLUSTRATIVE DOCUMENT SUBMITTED WITH THIS REPORT.

*A. Estimate of the probable receipts on account of Income from the Estates of the University of King's College, and Upper Canada College, from 1842 to 1867.*

No.	Sources of Income.	1842	1843	1844	1845	1846
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	Interest on Debentures and Stock .....	2,143 3 1	2,143 3 1	2,143 3 1	2,143 3 1	2,143 3 1
2	Nine months' interest on present cash balance .....	173 2 7	230 17 5	230 17 5	230 17 5	230 17 5
3	Interest on Instalments due .....	1,829 1 7	2,100 0 0	2,470 3 4	2,853 9 11	3,208 0 7
4	Interest on Mortgages .....	471 9 7	471 9 7	471 9 7	471 9 7	471 0 7
5	Interest on Instalments payable .....	1,301 11 11	1,676 17 9	1,725 2 6	1,381 0 1	1,342 15 10
6	Instalments for Arrears of Interest .....	1,821 16 8	1,821 6 8	1,821 16 8	1,821 16 8	1,821 16 8
7	Instalments for Arrears of Rent .....	1,666 13 4	1,666 13 3	1,666 13 4	1,666 13 4	1,666 13 4
8	Annual Rents Receivable ..	1,872 0 0	1,862 0 0	1,510 0 0	1,334 0 0	1,158 0 0
9	Instalments of Upper Canada College due .....	450 0 0	450 4 0	450 0 0	450 0 0	450 0 0
		11,718 18 9	12,246 17 10	12,489 5 11	12,352 10 1	12,492 15 6

No.	1847	1848	1849	1850	1851	1852	1853	1854
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	2,143 3 1	2,143 3 1	2,143 3 1	2,143 3 1	2,143 3 1	5,143 3 1	2,143 3 1	2,143 3 1
2	230 17 5	230 17 5	239 17 5	230 17 4	230 17 5	230 17 5	230 17 5	230 17 5
3	3,571 4 9	3,965 2 11	4,370 1 7	4,803 4 0	5,281 13 8	5,761 13 8	6,241 13 8	6,721 13 8
4	471 9 7	471 9 7	471 9 7	471 9 7	471 9 7	471 9 7	471 9 7	471 9 7
5	1,436 19 8	1,515 7 7	1,745 0 4	2,145 15 10	2,160 0 0	2,150 0 0	2,160 0 0	2,160 0 0
6	1,821 16 8	} The last instalment for arrears of interest rents and Upper Canada College						
7	1,666 13 4							
8	982 0 0							
9	The last instalment for arrears of interest rents and Upper Canada College dues.	806 0 0	630 0 0	454 0 0	278 0 0	102 0 0	50 0 0	100 0 0
	12,784 4 6	9,132 0 7	9,590 12 0	10,248 9 11	10,565 3 9	10,869 3 9	11,297 3 9	

A. Estimate of the probable receipts on account of Income, etc.—Continued.

No.	Sources of income.	1855	1856	1857	1858	1859
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	Interest on Debentures and Stock	2,143 3 1	2,143 3 1	2,143 3 1	2,143 3 1	2,143 3 1
2	Nine months' interest on present cash balance .....	230 17 5	230 17 5	530 17 5	230 17 5	230 17 5
3	Interest on Instalments due .....	7,201 13 8	7,681 12 8	8,161 13 8	8,593 13 8	8,977 13 8
4	Interest on Mortgages .....	471 9 7	471 9 7	471 9 7	411 9 7	471 9 7
5	Interest on Instalments payable ..	2,160 0 0	2,160 0 0	2,160 0 0	2,112 0 0	1,872 0 0
6	Instalments for arrears of Interest	} dues.				
7	Instalments for Arrears of Rent ..					
8	Annual Rents Receivable .....	150 0 0	200 0 0	250 0 0	300 0 0	350 0 0
9	Instalments of Upper Canada College Dues .....	The last instalment		for arrears	of interest,	rent and

	1860	1861	1862	1863	1864	1865	1866	1867
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	2,143 3 1	2,143 3 1	2,143 3 1	2,142 3 1	2,143 3 1	2,143 3 1	2,143 3 1	2,143 3 1
2	230 17 5	230 17 5	230 17 5	230 17 5	230 17 5	230 17 5	230 17 5	230 17 5
3	9,601 13 8	9,841 13 8	9,841 13 8	10,177 13 8	10,273 13 8	10,821 13 8	10,221 13 8	10,321 13 8
4	471 9 7	471 9 7	471 9 7	471 9 7	471 9 7	471 9 7	471 9 7	471 9 7
5	1,872 0 0	1,680 0 0	1,440 0 0	1,152 0 0	816 0 0	422 0 0	.....	.....
6	} The last	instalment	for arrears	of interest	rents and	Upper Can	ada dues.	
7								
8	400 0 0	450 0 0	500 0 0	550 0 0	600 0 0	650 0 0	700 0 0	750 0 0
9	Upper	Canada	College	dues.				
		14,577 3 9	14,627 3 9	14,581 3 9	14,539 3 9	14,201 3 9	13,867 3 9	13,917 3 9

B. Estimated Expenditure on Account of the University of King's College and Upper Canada College, from the year 1842 to that of 1867 :

Dr.		The Council of King's College in Account.		Cr.	
1842		£	s. d.	£	s. d.
July,	To estimated Income .....	11,718	18 9	By University Expenditure .....	4,000
Oct.,	“ cash borrowed .....	5,000		“ Charge for Upper Canada College .....	2,145
	“ “ “ .....	2,500		“ Bursar's office and Grounds ..	1,500
				“ Library, Museum, etcetera ..	4,000
				“ Buildings .....	5,000
				“ Six months' interest on £5,000 .....	150
				“ Three months' interest on £2,500 .....	37 10
				“ balance .....	2,986 8 9
		19,218	18 9		19,218 18 9



*B. Estimated Expenditure on Account of the University of King's College, etc.—Continued.*

Dr		The Council of King's College in Account.		Cr.	
		£	s. d.	£	s. d.
1843	To Balance.....	2,386	8 9	By University expenditure....	6,000
	“ estimated Income....	12,247	17 10	“ Upper Canada College and	
Oct.,	“ cash borrowed .....	3,000		Bursar, etcetera.....	3,645
				“ Buildings.....	5,000
				“ Interest on £7,500.....	450
				“ Three months' interest on	
				£3,000.....	45
				“ balance .....	2,494 6 7
		17,633	6 7		17,633 6 7
1844	To Balance.....	2,493	6 7	By University Expenditure....	6,400
	“ estimated Income....	12,486	5 11	“ Upper Canada College, Bur-	
July	“ cash borrowed .....	4,000		sar, etcetera .....	3,645
				“ Buildings.....	5,000
				“ Interest on £10,500.....	630
				“ Six months' interest on	
				£4 000.....	120
				“ balance .....	3,187 12 6
		18,982	12 6		18,982 12 6
1845	To balance .....	3,187	12 6	By University expenditure....	6,600
	“ estimated Income....	12,352	10 1	“ Upper Canada College, Bur-	
	“ cash borrowed .....	1,500		sar, etcetera.....	3,645
				“ Buildings.....	3,000
				“ Interest on £14,500.....	870
				“ Three months' interest on	
				£1,500.....	22 10
				“ balance .....	2,902 12 7
		17,040	2 7		17,040 2 7
1846	To balance .....	2,902	12 7	By University expenditure....	6,800
	“ estimated Income....	12,492	16 6	“ Upper Canada College, Bur-	
				sar, etcetera .....	3,645
				“ Interest on £16,000.....	960
				“ Loan repaid.....	1,000
				“ balance .....	2,990 9 1
		15,391	9 1		15,395 9 1
1847	To balance .....	2,990	9 1	By University expenditure....	7,000
	“ estimated Income....	12,784	4 6	“ Upper Canada College, Bur-	
				sar, etcetera.....	3,645
				“ Interest on £15,000.....	900
				“ Loan repaid.....	1,500
				“ balance .....	2,729 13 7
		15,774	13 7		15,774 13 7
1848	To balance .....	2,729	13 7	By University expenditure. ...	7,000
	“ estimated Income....	9,132	0 7	“ Upper Canada College, Bur-	
Oct.,	“ cash borrowed.....	2,000		sar, etcetera.....	3,645
				“ interest on £13,500.....	810
				“ Three months' interest on	
				£2,000.....	30
				“ balance .....	2,376 14 2
		13,861	14 2		13,861 14 2

*B. Estimated Expenditure on Account of the University of King's College, etc.—Continued.*

Dr.		The Council of King's College in Account.			Cr.			
		£	s.	d.		£	s.	d.
1849								
	To balance .....	2,376	14	2	By University expenditure.....	7,000		
	“ estimated Income....	9,590	12		“ Upper Canada College, Bur-			
Oct.,	“ cash borrowed.....	1,500			sar, etcetera.....	3,645		
					“ interest on £15,500.....	930		
					“ Three months' interest on			
					£1,500.....	22	10	
					“ balance .....	1,869	16	2
		13,467	6	2		13,467	6	2
1850								
	To balance .....	1,869	16	2	By University expenditure.....	7,000		
	“ estimated Income....	10,248	9	11	“ Upper Canada College, Bur-			
	“ cash borrowed.....	1,000			sar, etcetera.....	2,645		
					“ interest on £17,000.....	1,080		
					“ Three months' interest on			
					£1,000.....	15		
					“ balance .....	1,378	6	1
		13,118	6	1		13,118	6	1
1851								
	To balance .....	1,378	6	1	By University expenditure.....	7,000		
	“ estimated Income....	10,565	3	9	“ Upper Canada College, Bur-			
Oct.,	“ cash borrowed.....	1,000			sar, etcetera.....	3,645		
					“ Interest on £18,000.....	1,080		
					“ Three months' interest on			
					£1,000.....	15		
					“ balance .....	1,203	9	10
		12,943	9	10		12,943	9	10
1852								
	To balance .....	1,203	9	10	By University expenditure.....	7,200		
	“ estimated Income....	10,869	3	9	“ Upper Canada College, Bur-			
Oct.,	“ cash borrowed.....	1,000			sar, etcetera.....	3,645		
					“ Interest on £19,000.....	1,140		
					“ Three months' interest on			
					£1,000.....	15		
					“ balance .....	1,072	13	7
		13,072	12	7		13,072	13	7
1853								
	To balance .....	1,072	13	7	By University expenditure....	7,200		
	“ estimated Income ...	11,297	3	9	“ Upper Canada College, Bur-			
					sar, etcetera.....	3,645		
					“ interest on £20,000.....	1,200		
					“ balance .....	324	17	4
		12,369	17	4		12,369	17	4
1854								
	To balance .....	324	17	4	By University Expenditure....	7,200		
	“ estimated Income....	11,827	3	9	“ Upper Canada College, Bur-			
					sar, etcetera.....	3,645		
					“ Interest on £20,000.....	1,200		
					“ balance .....	107	1	1
		12,152	1	1		12,152	1	1

*B. Estimated expenditure on Account of the University of King's College, etc.—Continued.*

Dr.		The Council of King's College in Account.		Cr.			
	£	s.	d.		£	s.	d.
1855							
To balance . . . . .	107	1	1	By University Expenditure . . .	7,200		
“ estimated Income . . . .	13,357	3	9	“ Upper Canada College, Bur-			
				“ sar, etcetera . . . . .	3,645		
				“ Interest on £20,000 . . . . .	1,200		
				“ balance . . . . .	419	4	10
	12,464	4	10		12,464	4	10
1856							
To balance . . . . .	419	4	10	By University Expenditure . . .	7,400		
“ estimated Income . . . .	12,837	3	9	“ Upper Canada College, Bur-			
				“ sar, etcetera . . . . .	3 645		
				“ Interest on £20,000 . . . . .	1,200		
				“ balance . . . . .	1,061	8	7
	13,306	8	7		13,306	8	7
1857							
To balance . . . . .	1,061	8	7	By University Expenditure . . .	7,400		
“ estimated Income . . . .	13,417	3	9	“ Upper Canada College, Bur-			
				“ sar, etcetera . . . . .	3,645		
				“ Interest on £20,000 . . . . .	1,200		
				“ loan repaid . . . . .	1,000		
				“ balance . . . . .	1,233	12	4
	14,478	12	4		14,478	12	4
1858							
To balance . . . . .	1,233	12	4	By University Expenditure . . .	7,600		
“ estimated Income . . . .	13,851	3	9	“ Upper Canada College, Bur-			
				“ sar, etcetera . . . . .	3,645		
				“ Interest on £19,000 . . . . .	1,140		
				“ balance . . . . .	2,699	16	1
	15,084	16	1		15,084	16	1
1859							
To balance . . . . .	3,699	16	1	By University Expenditure . . .	7,800		
“ estimated Income . . . .	14,189	3	9	“ Upper Canada College, Bur-			
				“ sar, etcetera . . . . .	3,645		
				“ Interest on £19,000 . . . . .	1,140		
				“ loan repaid . . . . .	3,000		
				“ balance . . . . .	1,303	19	10
	16,888	19	10		16,888	19	10
1860							
To balance . . . . .	1,303	19	10	By University Expenditure . . .	7,800		
“ estimated Income . . . .	14,431	3	9	“ Upper Canada College, Bur-			
				“ sar, etcetera . . . . .	3,645		
				“ Interest on £16,000 . . . . .	960		
				“ loan repaid . . . . .	2,000		
				“ balance . . . . .	1,330	3	7
	15,735	3	7		15,735	3	7
1861							
To balance . . . . .	1,330	3	7	By University Expenditure . . .	8,000		
“ estimated Income . . . .	14,577	3	9	“ Upper Canada College, Bur-			
				“ sar, etcetera . . . . .	3,645		
				“ Interest on £14,000 . . . . .	840		
				“ loan repaid . . . . .	2,000		
				“ balance . . . . .	1,422		
	15,907	7	4		15,907	7	4



*B. Estimated Expenditure on Account of the University of King's College, etc.—Continued.*

Dr.		The Council of King's College in Account.				Cr.		
		£	s.	d.		£	s.	d.
1862								
	To balance .....	1,422	7	4	By University Expenditure....	8,000		
	“ estimated Income....	14,627	3	9	“ Upper Canada College, Bur-			
					sar, etcetera.....	3,645		
					“ Interest on £10,000.....	600		
					“ loan repaid.....	2,500		
					“ balance .....	1,304	11	1

J. SIMCOE MACAULAY, on behalf of the Committee.

TORONTO, 14th of March, 1842.

*March 19th, 1842*—The Report of Mr. John Richey, Builder, employed to examine in the repairs required to render the Parliament Buildings fit for occupation as a University was read.

The Report of the Finance Committee, with the illustrative Financial Statements appended, which were rendered at the last Meeting of the Council, were taken into consideration, and, being approved, were adopted.

**NOTE BY THE COMMITTEE.**—It is nevertheless to be remarked that the Report and appended statements and calculations thus adopted are founded on the principle, that the whole capital of the University of King's College is to be left untouched; and that, whatever portion of it may be laid out on the Buildings shall be replaced.—But, if the Buildings be considered capital, as they may fairly be, since they save a large amount in rent,—which must otherwise be paid for worse accommodation,—then, and in that case, the allowance for the support of the University might, even in one or two years, be augmented much beyond the assumed limit, without any detriment to the Institution, and thus render it, in a shorter time, more efficient, if the increasing number of scholars should require it. J. S. M.

The consideration of the Bursar's Report on the arrears of Rents and Interest due was resumed, and, being amended, was ordered to be placed on the Minutes as follows:

The Minute of the Council of King's College, adopted at a Meeting held on the 5th instant, requiring that the Bursar should report on the Rents and Interest due to the College, having been referred to by His Excellency the Chancellor, in his Letter of the 1st instant, the Bursar submitted the following observations in regards to it:

From the extended and divided state of property in this country, and the poverty of new settlers, it appears to have been a practice in all Government Land Departments of the Province to shew great indulgence in the collection of money;—and the same system of management has prevailed in this Corporation, so that, in a period of thirteen years, an accumulation of arrears under two heads has taken place to the following amount:

Arrears of Rents.....	£ 15,377	
Arrears of Interest.....	£ 10,931	
	—	£ 26,308

Probably some part of the arrears due for Rents will never be recovered, the Parties having, abandoned their land,—But the arrears for Interest may all be considered as safe, for they have arisen upon the purchase money of the College Lands, and the purchaser will not forfeit the instalments which they have paid in, or the improvements which they have made on their Lands, which they would do in the consequence of their not paying their interest.

**NOTE.**—The remainder of the Bursar's remarks are omitted, as no action was taken on them by the Council.

*March 30th, 1842.*—The President placed before the Council the following Letter from Sir Charles Bagot, the Chancellor, dated the 25th instant:

I have herewith the honour to enclose to Your Lordship, the copy of a Statute, regarding the Buildings necessary, in order to put the University of King's College into immediate operation; and which have already been approved by those Members of the Council here,—to whom I have had an opportunity of submitting it,—I have to request that Your Lordship will have the goodness to lay it before the Council of King's College at Toronto for their approbation.

CHARLES BAGOT.

Kingston, 25th of March, 1842.

**ENCLOSURE:—COPY OF THE STATUTE REFERRED TO IN THE FOREGOING LETTER.**

Be it enacted and ordained by the Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada:

1. That the College Statute, Chapter two, passed on the 29th day of February, in the year of our Lord 1840, intituted: "of the Buildings for immediately opening the University," be, and the same is hereby annulled and repealed.

2. That contracts for the erection of two wings of the proposed University Buildings on the ground set apart for that purpose for a price and sum in the whole, not to exceed Eighteen Thousand pounds, (£18,000), currency, be forthwith entered into.

3. That, in the meantime, and until such Buildings can be made ready for occupation, the University be opened, and the business affairs thereof, (excepting the Bursar's Office and the Medical School,) be conducted and carried on in the Public Buildings, lately occupied by the

Legislature and Public offices of Upper Canada ; the use and occupation of which has been offered to the Council of King's College, by His Excellency the Governor General, (Chancellor of the University), by and with the advice of the Executive Council of the Province.

4. That a sum not to exceed Five Hundred pounds, (£500), currency be appropriated for the necessary fitting up of the aforesaid Public Buildings.

5. That a sum not to exceed Four Thousand pounds, (£4,000), sterling be appropriated for the purchase of a Library, Philosophical Apparatus, and the things necessary, as well for the Museum and Botanical Garden, as for the general use of the different Classes in the Arts and Faculties.

6. That the five Members of the College Council, hereafter named,\* be appointed to contract for and superintend the erection of the wings of the University Buildings.

7. That the same five Members be appointed to contract for and superintend the fitting up of the Buildings for the temporary accommodation of the University.

8. That the three Members hereafter named, [the Right Reverend Doctor Strachan, President of the University, the Reverend Doctor McCaul, Principal of Upper Canada College, and the Reverend Henry James Grasett,] be appointed to take the necessary steps for the expenditure of the sum of Four Thousand pounds, (£4,000), sterling, according to the true meaning of the foregoing fifth Section.

9. That, before any contract shall be entered into and sealed with the corporation Seal, either for the Buildings or fitting up, the same shall be submitted, together with the plans and estimates to the College Council, and shall be approved at a Meeting of the Council, to be specially convened for that purpose.

10. That the particulars of the proposed expenditure of the sum of Four Thousand pounds, (£4,000, sterling, mentioned in the aforesaid fifth action, be, in like manner, submitted and approved at a Meeting of the College Council before the same shall be carried into effect.

Whereupon, the Honourable Attorney General Draper moved, seconded by the Honourable William Allan, and carried, that the Statute proposed to the Council, by the authority and direction of the Right Honourable the Chancellor of the University, be further considered at an adjourned Meeting, to be specially holden for that purpose.

On motion of the Honourable John Simcoe Macaulay, Mr. Thomas Young was appointed Architect to the University during the period his services may be required at a salary of £200, currency per annum, and that he be instructed to prepare forthwith the specifications of the two wings, as proposed to be altered.

The Report of Mr. J. G. Chewett, dated the 29th of March, 1842, on the state of the Parliament Buildings, and the repairs that will be necessary to render them fit for immediate occupation was read, and referred to the Committee appointed by the Council this day.

The Bursar submitted the following Statement of the unappropriated funds of the Corporation on the 30th of March, 1742.

Provincial Debentures.....	£35,894	5	5
Stock of the Bank of Upper Canada.....	250	0	6
Stock of the Gore Bank.....	187	10	0
Balance in the Bank of Upper Canada.....	1,206	17	8
Balance in the Bursar's hands.....	66	8	1½
Interest due on Debentures.....	727	4	0
	£28,332	5	2½

*April 2nd, 1842.* The Statute which His Excellency the Chancellor was pleased to propose for the consideration of the College Council, and which was placed before the Council at their last Meeting, was further considered, and the blanks being filled up it was put by the President by clauses, and passed and adopted, with a slight amendment . . . (For the Resolutions on this Subject, as passed see page 176, *ante*.)

\* These Members were named at a Meeting held on the 2nd of April, 1842, as follows : The Reverend Doctor McCaul, the Reverend Henry James Grasett, and the Honourabl Messieurs William Allan, John Simcoe Macaulay and Levius Peters Sherwood.



The Registrar was directed to transmit this Statute forthwith under the Common Seal, to the Visitors of the University. It was then—

*Ordered*, That the Building Committee do make the necessary arrangements for laying the Foundation Stone of the University by the 21st of this month. It was further—

*Ordered*, That the following Members of the Council be a Committee for superintending the arrangements requisite to give due formality to the ceremony of laying the Foundation Stone of the University, videlicet:—

1. The Right Reverend the President, (Doctor Strachan.)
2. The Reverend the Principal of Upper Canada College, (Doctor McCaul.)
3. The Honourable the Attorney General (William H. Draper, Q. C.)
- 4 The Reverend Henry James Grasett.

The President was requested to intimate to His Excellency the Chancellor that everything will be prepared for laying the Foundation Stone of the University by the 21st of this month, (March, 1842,) and that the Council will wait His Excellency's pleasure to fix the precise day for the ceremony.

Mr. Thomas Young, the Architect, submitted a specification of the repairs necessary to be done so as to render the Parliament Buildings fit for occupation, and also a tender from Mr. John Richey, Builder, for doing the same, for One Hundred and Ninety One pounds, five shillings, (£191 5 0).

Moved by the Honourable Levius Peters Sherwood, Seconded by the Reverend Doctor McCaul, that the Building Committee do employ Mr. Richey to make the specified repairs, in terms of his tender.

Mr. Richey submitted a tender for the building of the two wings of the proposed University, in which he re-stated his former tender of the 1st of February, 1839, as follows:—

South West Wing of Kingstone Stone.....	£ 7,675	0	0
South East Wing of Kingston Stone.....	7,545	0	0
	£15,220	0	0
South West Wing of Hamilton Stone.....	£ 8,184	0	0
South East Wing of Hamilton Stone.....	8,054	0	0
	£16,238	0	0

Adding that he was willing to erect the Buildings for the smaller sum, but that there are some alterations proposed in the Buildings, together with some other contingencies, such as duty on Stone, etcetera, which would amount to five or six hundred pounds, (£500, or £600,) not contemplated in 1839, when the first tender was made.

Permission was given to the Bursar to employ an extra Clerk for a limited time, at a salary not exceeding ten shillings per diem.

*April 13th 1842.* A letter was read from Mr. Clarke Gamble, offering as an investment, certain Church Debentures of St. James' Church. The Honourable Attorney General Draper undertook to inquire into the nature of these securities, and to report thereon.

The Mayor of Toronto applied for the use of the Public Buildings for the purpose of giving a Ball to His Excellency the Governor General, on the occasion of his visit to Toronto to lay the Foundation Stone of the University. The Registrar was ordered to express to the Mayor the regrets of the Council that the terms of the Minute of the Executive Council, placing these Buildings at the disposal of the College Council, do not admit of the Buildings being used for other than University purposes, and suggesting the superior accommodation which the Government House would afford,

The Secretary of the St. George's Society made an application that the Society might be permitted to take part in the ceremony for laying the Foundation Stone of the University. The Registrar was ordered to inform the Secretary that the Council assented to the wishes of the St. George's Society.

*April 14th, 1842.*—Mr. J. E. Small, the Solicitor, reported that Lieutenant Colonel Wells, has assigned to the College Mr. Thornhill's property on Lot [Queen] Street,—and that Mr. Thornhill had applied to purchase the same of the College. It was—

*Ordered*, That Mr. Thornhill be allowed to make the purchase at a capital sum to consist of the full amount of Lieutenant Colonel Wells' debt, for which this property was assigned and

Interest thereon to the day of sale,—to be paid by Instalments on the usual College terms—Mr. and Mrs. Thornhill having first assigned to the College their Equity of Redemption.

The Registrar reported that he had received from the Attorney General a fresh Patent for 1,265 acres of Indian Lands near Brantford—the description of the Lands in the first one received in March, being erroneous. The Council, having in view the desirability of securing as early as convenient the full amount of the Debt and interest due to the College, for which this property was assigned, it was—

*Ordered*, That the Land be brought to sale as soon after July next as may be practicable, . . . and that any surplus, beyond the debt and interest due, be returned to the parties having an equitable claim to the same.

A letter from Doctor Ross was read,—pressing on the consideration of the College Council the advantage to Medical Science that would result from establishing the intended Provincial Lunatic Asylum near the University, the seat of Medical instruction, and the benefit it would be of to the Patients themselves —Deferred.

The Building Committee laid before the Council the Minutes of their proceedings relating to the preparations which have been made by them for laying the Foundation Stone of the University.

(In these Minutes it was provided that cards of invitation to the ceremony be printed and that a Trowel be provided, according to a design approved by the Committee, and that the Reverend Messieurs Grasett and McCaul consult the President, (Doctor Strachan) as to a suitable inscription on the Trowel and give the necessary instruction in regard to other things required at the ceremony.)

The Ceremonial Committee submitted the Inscription to be engraved in the Plate intended to be inclosed in the Foundation Stone of the University, and the inscription for the Trowel; both of which were approved by the Council.

The Ceremonial Committee and the Building Committee having completed the objects for which they were formed, as far as respects the ceremony of laying the Foundation Stone of the University, were considered as discharged, and the following Members of the Council were appointed to be a Committee of Management to carry out all arrangements respecting the Ceremony, videlicet: The Reverend Doctor McCaul, Principal of Upper Canada College; The Honourable Messieurs William Allan, and J. Simcoe Macaulay, and the Reverend Henry James Grasett.

#### THE IMPERIAL GRANT OF £1,000 STERLING PER ANNUM FOR UNIVERSITY BUILDINGS.

The Council having adverted to the subject of the Royal Grant of One Thousand pounds, (£1,000,) Sterling, per annum,—given as a building fund, to the University, and it being represented that the last payment to be made by the Canada Company to the Government,—on which this grant, in some measure depends,—would take place in June next; after much deliberation it was—

*Resolved*, That His Excellency the Chancellor be respectfully requested to take this matter into his most favorable and early consideration; and that the Registrar, in transmitting this Minute to His Excellency, do also send copies of all the former proceedings which have been taken on the subject.\*

NOTE. The Foundation Stone of the proposed University Buildings was laid, with appropriate ceremonies, on the 23rd of April, 1842, by Sir Charles Bagot, Chancellor of the University. (See the account of the Ceremony in next Chapter.)

*April 27th, 1842.*—The Registrar was directed to write letters of thanks, in the name of the Council to Lieutenant Colonel Sparke, Lieutenant Colonel Furlong, and to Messieurs William Cayley, George Gurnett, and others, for the assistance they had severally rendered at the ceremony of laying the Foundation Stone of the University on the 23rd instant.

The Bursar submitted the following statement of the Unappropriated Funds of King's College on the 27th of April, 1842:—

Provincial Debentures.....	£36,831	15	5
Stock of the Bank of Upper Canada, Toronto.....	25	0	0
Stock of the Gore Bank, Hamilton.....	187	10	0
Balance in the Bank of Upper Canada.....	1,394	2	4
Balance in the Bursar's hands.....	89	7	7½
Interest due on Debentures.....	132	0	0
	£38,884	15	4½

\*This grant was regularly paid from the 1st January, 1828, to the last day of June, 1832, being 4½ years. It was then suspended by a Despatch from the Home Government to Sir John Colborne. (See page 300 of the Third Volume of this Documentary History.)

*April 30th, 1842.*—No business of public importance transacted.

*May 7th, 1842.*—The President laid before the Council the following Letter, which he had addressed to the Chief Secretary to the Governor General, Sir Charles Bagot :—

I have the honour to state, for the information of His Excellency, the Governor General, that, with reference to Mrs. (Major) Powell, in whom His Excellency takes a great interest, and was pleased to express this morning in conversation an anxious wish to provide for her in any way, if so doing can be pointed out; it has occurred to me, that she may be beneficially continued in charge of the west wing of the Government buildings, now to be appropriated to the purposes of the University, with the same allowance that was formerly given to her by the Executive Council for the like duty.

Should this suggestion meet His Excellency's approbation, and express his pleasure on the subject, it will, no doubt, meet with the favourable consideration of the College Council.

TORONTO, 25th April, 1842.

JOHN TORONTO.

The President also placed before the Council a Letter from His Excellency the Chancellor, dated the 30th ultimo, as follows :—

My dear Lord Bishop,—

I had no opportunity of seeing Doctor Widmer, after the conversation which I had with your Lordship at Toronto, upon the subject of appointing him to a seat in the Council of King's College, until the permanent Council shall have been established by the appointment of the regular Professors of the University.

Assuming however, that Doctor Widmer will not be indisposed to lend us his valuable assistance in this manner, and feeling that it is very desirable that the Medical Faculty, should, as soon as possible, be represented in the Council, I have to request that your Lordship will take the necessary steps for Doctor Widmer's admission into it, provided that he should not object to taking upon himself the duties of the situation.\*

I take this opportunity of saying in answer to Your Lordship's letter to Mr. Murdoch of the 25th instant, in regard to Mrs. Powell, that it will give me great pleasure if she can be continued in charge of the west wing of the Government Buildings, now assigned to the temporary use of the University, at the salary which she formerly received from the Government for the same duty, if your Lordship finds we have adequate funds.

KINGSTON, 30th April, 1842.

CHARLES BAGOT.

After a full discussion of the subject of these communications it was ordered that Mrs. (Major) Powell be continued for the present in charge of the west wing of the Public Buildings at her present salary of fifty pounds (£50) per annum, to commence from the first day of this month (May).

A Letter from the Honourable Peter B. De Blaquiere, was read, offering the Council his Library of thirteen hundred and fifty volumes (1,350) for twelve hundred pounds (£1,200) currency, and enclosing a catalogue of the Books.

*May 16th, 1842.*—The Warrant of His Excellency the Chancellor, dated the 6th instant, appointing Christopher Widmer, Esquire, M.D., to be a Member of this Council, in the place and stead of the Honourable Robert Baldwin Sullivan, resigned, was read.

Doctor Widmer having signed the Declaration prescribed by the Charter, took his seat.

The Building Committee made the following report which was adopted : "The Committee appointed to contract for and superintend the erection of the Wings of the University Buildings, have the honour to report, that, as it appeared that modifications of the elevation of the Buildings, did not fall within their province, they have confined themselves to alterations in the interior arrangements, which, they believe, will be found more practically convenient than those originally adopted. . . .

TORONTO, May 16th, 1842.

JOHN McCaul, Chairman.

*May 18th, 1842.*—The report of the Building Committee, adopted at the last Meeting of the Council, suggested modifications which were finally approved; it was

\*Doctor Widmer was a Member of the General Board of Education of Upper Canada, and of the First King's College Council. See pages 1 and 15 of the Third Volume of this Documentary History. He declined an appointment to the Second King's College Council, when it was reorganized in 1837. See page 98 of the same Volume.



*Ordered*, That the Committee instruct the Solicitor to draw up the proper contracts between the Council and Mr. John Ritchey, the Builder. It was further :—

*Ordered*, That a portion of the Books offered to the Council by the Honourable P. B. De Blaquiere, specified in a communication to the President, dated March 16th, 1842, be purchased for the Library, for the sum of One Hundred pounds, (£100,) sterling.

*May 25th, 1842.*—Meeting called, but no quorum. Three Members present.

*June 1st, 1842.*—Meeting called ; but no quorum. Three Members present.

*June 8th, 1842.*—The President laid before the Council a copy of his Letter to His Excellency the Chancellor, dated the 21st ultimo, and His Excellency's reply thereto, dated the 1st instant, as follows :—

My dear Sir Charles,—

The College Council has requested me to draw Your Excellency's attention to the last Statute of the University, which appropriates the sum of Four Thousand pounds (£4,000,) sterling to the purchase of a Library, a Philosophical and Chemical Apparatus, a Museum and Medical preparations, etcetera.

The Council, after discussing, at some length, the relative importance of these several items, arrived at the conclusion, that, before they can proceed in a satisfactory manner to subdivision and speciality of appropriation, it is necessary to ascertain, how many Professors Your Excellency has considered it right to invite from England, that they may transfer to them, as the best qualified, the pleasing duty of selecting the Books, and other things necessary for conducting their departments.

The College Council will have great pleasure in placing such Funds within their reach as may be required for the purposes alluded to, should Your Excellency enable them to do so, by directing the required information to be transmitted for their guidance.

TORONTO, 21st of May, 1842.

JOHN TORONTO.

My dear Lord Bishop,—

. . . In answer to your Communication, I have to acquaint you that I have already written to England for the Professors of Theology, Mathematics and Chemistry, and that I hope, ere very long, to receive some satisfactory information in respect to all of them.

I am still undecided, and am in difficulty in respect to the Professor of Medicine, from an apprehension that we have scarcely in our hands the means of tempting any one to come from England to fill that Chair, whose eminence in the Profession would not secure to him a better subsistence at home, and that, unless he is of the eminence which I contemplate, it might prove worse than useless to bring him out at all. I will, however, endeavour to make up my mind upon this point with as little delay as may be.

In the mean while it appears to me, that, as regards a special appropriation to the Faculty of such portion of the money destined by the Council for the purchase of a Library, as may be necessary for medical books, we cannot be in better hands than those of Doctor Widmer, who would, perhaps, have the goodness to furnish us with a list of such standard Medical Books as cannot fail to be required, and these works may either be sent for to England immediately, or, should it be eventually thought necessary to send to England for a Medical Professor, the purchase of them might be confided to him.

I have already intimated that, in sending for the Professor of Chemistry, the share of the money to be allotted for the Chemical Apparatus will be entrusted to him, or, at all events, expended according to his recommendation of what may be essentially necessary.

CHARLES BAGOT.

MONTREAL, June the 1st, 1842.

#### FACULTY OF MEDICINE IN THE UNIVERSITY OF KING'S COLLEGE.

The following Report was presented by Doctor Christopher Widmer on the organization of the Medical Faculty of the University of King's College.\* The Report was approved and adopted by Council, as follows :—

\* For Resolutions in response to Sir John Colborne's suggestions in regard to the desirability of Medical Lectures in the proposed University in King's College, see page 27 of the Third Volume of this Documentary History. See also pages 94, 95 and 198.

In drawing up this sketch for the organization of the Medical Department of King's College, I have endeavored to approximate the expense as nearly as possible to the probable means of the University. . . .

The policy of dividing the Teachers in this Department into two ranks of Professors and Lecturers, I deem objectionable. . . . I propose that the Faculty of Medicine shall, for the present, consist of four Professors. In accordance with this view, all the Professors will be of equal rank, and receive the same remuneration, the Senior, as provided by the Statute taking his seat in the College Council. This arrangement presents advantages over the plan of dividing the duties of the department amongst a greater number of persons, and constituting invidious distinctions of rank and income; although it certainly imposes a degree of labour on the Professors which may be considered burthensome, but, if the number of Students should increase, in accordance with our hopes of the popularity of the University, the Professors of Physic and Surgery may then be relieved of the subjects not peculiarly their own, and a fresh professorship established; at which time it may be practicable to endow a professorship of the Institutes of Medicine and Medical Jurisprudence.

As the selection of the Professors rests with His Excellency the Chancellor, I will only briefly observe that the importance of stamping a character of powerful talent on this branch of College education, at the commencement, will, I trust, induce His Excellency to resort to the Mother Country for a part, at least, of the materials for the organization of this Faculty.

In addition to the Professor of Chemistry, it would be desirable to obtain the Professor of Physic from Britain. Amongst the best educated men in the profession of Medicine are those now sent forth from the London University, and from King's College in London. The examinations at both these Institutions are of the most severe character, and none but those highly qualified can graduate. There are many young men who have obtained honours that would gladly accept of the advantages offered by the limited income which would be offered here; and an application made to the Council, or the Professor of Physic, at either of these Institutions, would furnish this University with a well qualified person to fill our Chair of Physic.

I propose then that the Medical Faculty shall for the present be organized as follows, *vide* *licit*:

1st: A Professor of the Theory and Practice of Physic and *Materia Medica*. This Professor shows lecture daily on Physic, and twice a week on *Materia Medica*, embracing Medical Botany, and also, twice a week, on Clinical Medicine at the Hospital.

2nd: A Professor of Chemistry.

3rd: A Professor of Anatomy and Physiology, embracing Comparative Anatomy. This Professor must employ his own Prosector to prepare the anatomical subject for the Lecture room.

4th: A Professor of the Principles and Practice of Surgery. This Professor will also be required to take the department of Midwifery. He will have to lecture twice a week on Surgery, and daily on Midwifery. The late Sir Astley Cooper lectured daily on Anatomy, and twice on Surgery for many years, although in extensive practice.

It will be necessary to appoint a Conservator of the Museum, and a Demonstrator of Anatomy. These two offices may be conveniently associated in the same individual. This Gentleman's time will be fully occupied in the care of the Anatomical preparations; in making new ones; and in directing the progress of the anatomical students; which latter duty will necessarily confine him for many hours to the dissecting room. . . .

CHRISTOPHER WIDMER.

TORONTO, 8th June, 1842.

*June 29th, 1842.*—Meeting called; but no quorum. Four Members present.

*July 2nd, 1842.*—The Council having considered the limited sum which they had at their disposal for the purchase of Books, found that they could not expend more than another One Hundred pounds, (£100,) sterling on the De Blaquiere collection. They, therefore, made a selection from the catalogue to that amount, and directed the Registrar to transmit a copy thereof to the Honourable Mr. De Blaquiere for his approbation, should he assent to make so partial a sale of his books.

*July 13th, 1842.*—A letter from Mr. Secretary Harrison was read, dated the 8th instant, notifying the Council that His Excellency, in conformity with the Minute of this Council, passed on the 8th ultimo, has been pleased to nominate Doctor Henry Sullivan to be Conservator of the Museum and Demonstrator of Anatomy. Whereupon the Honourable J. Simcoe Macaulay moved—that with reference to the appointment of a Curator of the Museum and Demonstrator of Anatomy in the University of King's College, as notified in Mr. Harrison's Letter of the 8th

instant, the Council respectfully request the attention of His Excellency the Chancellor to the necessity of a Statute, or Ordinance, being passed creating such offices previous to any such appointment being made. The Council further desire to bring before His Excellency's notice the Report of the Law Officers of the Crown on the subject of appointments to offices, other than those of Professorships in the University; a copy of which was ordered to be transmitted to His Excellency. Which motion being seconded was carried.\*

The Council took into consideration an amended proposal for the settlement of the College claims on the Rideau Canal transmitted by Mr. Adams, the Government Arbitrator in his Letter, dated 20th May last, whereupon it was—

*Resolved*, that the award of the Government Arbitrator on the subject of compensation to be allowed to the Council of King's College for lands taken by Her Majesty's Board of Ordinance for the Rideau Canal be accepted by the Council;—and that a copy of the same be forwarded to His Excellency the Chancellor of the University.

*July 27th, 1842.*—Meeting called, but there was no quorum. One Member present.

*August 31st, 1842.*—Meeting called, but there was no quorum. Two Members present.

*September 28th, 1842.*—Meeting called, but no quorum. Two Members present.

*October 8th, 1842.*—Meeting called; but no quorum. Four Members present.

*October 15th, 1842.*—No Business of importance transacted.

*October 19th, 1842.*—A letter from the Honourable P. B. De Blaquiére was read, declining to dispose of a selected portion of his Library, as proposed by the Council at their Meeting held on the 2nd of July last.

The President placed on the Table two new Statutes proposed by His Excellency the Chancellor, headed "*Terms*" and "*Matriculation*," which, in accordance with the Statute applying to this subject, were discussed and considered, but were deferred.

The President also placed on the Table a form of notice respecting the commencement of the University which was also deferred.

*October, 26th 1842.*—Meeting called; but no quorum. Four members present.

*October, 28th 1842.*—The two Statutes which His Excellency the Chancellor was pleased to propose for the consideration of the College Council, were further considered, and adopted as follows:—

#### *University Statutes: Chapter VII: University Terms.*

Be it enacted and ordained by the Chancellor, President and Scholars of King's College, at York, in the Province of Upper Canada: That the academical year of King's College University shall begin upon the first Thursday in October in each year, and shall contain three Terms, within which all scholastic exercises shall be performed.

1. The first, or Michaelmas, Term, shall commence on the first Thursday in October, and shall end on the twentieth day of December in each year.

2. The second, or Hilary, Term shall begin on the 7th day of January, and shall end on the Saturday next but one before Easter Sunday.

3. The Third, or Easter, Term shall begin on the Monday next but one after Easter Sunday, and shall end on the Friday next after commencement day, which shall always be on the third Tuesday in July in each year.

#### *University Statutes: Chapter VIII: Matriculation.*

Be it enacted: 1. That the Registrar of the Council shall keep a Matricula, or Register, in which the names of all persons who shall be admitted Members of the University shall be enrolled, with their age, places of birth and education, and the names, rank and place of residence of their parents, and the Religious denomination to which they belong.

2. That no person shall be matriculated under sixteen years of age.

3. That no person shall be matriculated without previous examination by the Vice President, or, when that office shall cease, by the President, in the Greek and Latin languages, and in Mathematics. The particular subjects of examination shall be appointed, from time to time, by the Vice President, or, in the case above mentioned, by the President.

4. That each student, at his Matriculation, shall be required to subscribe a declaration that he will strictly obey and abide by the Statutes, Rules and Ordinances of the University.

\* This case is referred to on page 195 of the Third Volume of this Documentary History.



5. That Candidates for admission may present themselves in Easter Term after Commencement day, and on the first day of Michaelmas Term for public examination ; but, in either case, Michaelmas shall be reckoned as their first term.

The Registrar was directed to transmit these Statutes, under the Common Seal, to the Visitors of the University.

#### LECTURES IN THE FACULTY OF ARTS.

The following notice of motion which was placed on the Table at the last meeting of Council was passed and adopted.

1. The Professors in the Faculty of Arts will commence their Lectures in Hilary Term, on Monday the 9th of January, 1843.

2. Candidates for admission into the University may present themselves for examination at the Vice President's Chambers in the former Parliament Buildings, on any Monday, Wednesday, or Friday, at eleven o'clock, a.m. previous to Thursday January the 5th.

3. The subjects for examination will be—in Classics—two Greek and two Latin authors, (one of the authors, prose, and the other verse ;) and, in Mathematics,—the first two Books of Euclid's Elements, and Simple and Quadratic Equations.

4. Candidates will be required to produce certificates that they are of the full age of sixteen years.

5. It is expected that the School of Medicine will be open for Students in that Faculty in Michaelmas Term, 1843. When the requisite arrangements shall have been completed, due notice will be given, by public advertisement.

A letter from Mr. Secretary Harrison was read, dated the 24th instant, transmitting a draft of a Statute relative to the appointment of Demonstrator of Anatomy and Curator of the Anatomical and Pathological Museum, the consideration of which was deferred.

*November, 5th 1842.*—The consideration of the Statute, relative to the appointment of a Demonstrator of Anatomy, and Curator of the Anatomical and Pathological Museum, was resumed : and as it embraced the consideration of the whole Medical Department, it was deferred to the next meeting.

*November, 12th 1842.*—The discussion of the Statute creating the situation of Curator and Demonstrator of the Pathological Museum was resumed and deferred again until the next meeting.

*November, 16th 1842.*—The Council resumed the consideration of the Statute relative to the appointment of a Demonstrator of Anatomy and Curator of the Anatomical and Pathological Museum ; and, it was passed and adopted, as follows :—

*University Statutes: Chapter IX. Demonstrator of Anatomy and Curator of the Anatomical and Pathological Museum.*

Be it enacted and ordained by the Chancellor, President and Scholars of King's College at York, in the Province of Upper Canada :

1. That there shall be a Demonstrator of Anatomy and Curator of the Anatomical and Pathological Museum of the University.

2. That it shall be his duty to prepare, preserve and take under his special care and observation, all such specimens of human and comparative anatomy as may be required for the elucidation of the lectures of the Professor of Anatomy of this University, and also to prepare and preserve all such anatomical and pathological preparations as may fall within his reach ; and also to take charge of all paintings, drawings, diagrams, and models that may be furnished for the use of the various professors of Physic, Surgery and Midwifery in the University.

3. That in executing the office of Demonstrator of Anatomy, he shall be present in the Dissecting Room for certain hours in the day, to be fixed by the College Council, during the continuance of each course of anatomical Lectures.—He shall point out to the Students of Practical Anatomy the various parts that may be the subject of their studies.—He shall give a daily demonstration on some subject of human, or comparative, anatomy,—and shall preside over, and govern in, the Dissecting Room all matters relating to the acquisition by the Students of a knowledge of Practical Anatomy.

4. That he shall keep a Register of all the Preparations contained in the said Museum ; noting against each, and, under a current number, any account of history, that may relate to it ; and he shall attach to each object its current number, by which means a reference can be made from the object to the register and its history be traced.

5. That his salary shall be fixed by the College Council, and his place of residence shall be provided by the same Body.

6. That, in all further details of his duties, he shall receive and obey instructions from the College Council.

The Registrar was directed to transmit this statute, under the Common Seal to the Visitors of the University.

Whereupon the Council, in the exercise of the powers given to them by the Charter, appointed Henry Sullivan, Esquire., M.R.C.S.L., Demonstrator of Anatomy, and Curator of the Anatomical and Pathological Museum of the University.

*November 19th, 1842.*—The Reverend Doctor McCaul, as Chairman of the Building Committee, placed on the Table the draft of the contract with Mr. John Ritchey for building the South East Wing of the University for final consideration and adoption.

*November 23rd, 1842.*—A letter from Captain Bagot, Private Secretary to His Excellency the Governor General, Chancellor of the University, was read, as follows :

By command of His Excellency the Chancellor, I have to communicate for the information of the Honourable Council of the University of King's Collège, that His Excellency the Chancellor has been pleased to appoint John McCaul, Doctor of Divinity [Law], Professor of Classical Literature to the University of King's College, with a seat in the Council as such Professor.

His Excellency has further been pleased to appoint Doctor McCaul, Professor of Belles Lettres, Rhetoric and Logic to the University of King's College.

His Excellency has further been pleased to appoint Doctor McCaul, Vice-President of the University of King's College.

KINGSTON, 21st of November, 1842.

H. BAGOT, Private Secretary.

*November 26th, 1842.*—The amended draft of contract with Mr. John Ritchey, for building the South East Wing of the University was examined, and being approved, the Registrar was directed to affix thereto the Corporate Seal, and then transmit the Document to the Solicitor of the Council, with instructions for him to have it properly executed by Mr. Ritchey.

#### OBJECTIONS TO THE APPOINTMENT OF THE REVEREND DOCTOR MCCAUL AS VICE-PRESIDENT OF THE UNIVERSITY.

At a Meeting of the King's College Council, held on the 29th of November, 1842, it was stated in the Minutes that a question arose at the previous Meeting of the Council of the 19th instant respecting some points in Statutes IV. and V. of the University which were passed on the 4th of April, 1840, providing for the appointment of a Vice-President of the University and other matters relating to the Professors.\*

Reference as to the legality of these Statutes, (as conflicting with the Charter, and amendments thereto,) having been made to the Honourable Robert Baldwin, Attorney General, and to James Edward Small, Esquire, Solicitor General,—who were Members of the Council,—these Gentlemen made a Report at the last Meeting of the Council, which contained their joint Opinion on the subject.

The Honourable Levius Peters Sherwood, being desirous that this legal Opinion should be recorded on the Minutes of the Council, moved :—

That the said Report, with some Prefatory Remarks, which he submitted, should be entered on the Minutes of the day's proceedings,—which motion, being put, was carried; the Honorable Vice-Chancellor Robert S. Jameson and the Reverend Doctor McCaul dissenting.

\* There is no record on the Minutes of the Council of King's College of the 19th of November, 1842, that any such question was brought up or discussed,—which motion, being put, was carried; the Honorable Vice-Chancellor Robert S. Jameson and the Reverend Doctor McCaul dissenting. on this page, under date of "November 19th, 1842."

The following are the Prefatory Remarks prefixed to the Statement made by the Honourable L. P. Sherwood:—

*Prefatory Remarks.* Mr. L. P. Sherwood stated to the Council that, as he had been recently appointed a Member of this Honourable Body, he never had an opportunity of reading the Statutes of the University till within a short time since;—that he has lately done so, however, and find some parts of the 4th and 5th Chapters of the Statutes to interfere, in his opinion, with the provisions of the Charter of 1827, and of the Statute of the Parliament of the late Province of Upper Canada, passed on the 4th day of March, 1837, (7th William IV, Chapter XVI,) for the purpose of amending the Charter.\*

He thinks that parts of the 4th Chapter of the University Statutes, which establish the office of Vice-President of the University give to such an Officer seniority and precedence next to the President,—authorize him to preside at the convocation, in the absence of the Chancellor and President,—confer upon him a superintendence over the Professors, Scholars and other Members of the University, and are contrary to the spirit and meaning of the Charter and Statute cited; he also thinks that part of the 5th Chapter, which empowers a Weekly Board to be composed of three Members of the Council to form Rules and Regulations for the Discipline, Studies and Internal Government of the Scholars and inferior Officers of the establishment, is equally objectionable, in its nature and tendency as the parts of the 4th Chapter of the Statutes before mentioned.

He hoped the Council would allow these subjects to be referred to the two Law Officers of the Crown, as Members of this Council, with a request that, those Gentlemen would have the goodness to examine the Law authorities, which he would cite, and to report their opinion to the Council as soon as convenient.

#### REPORT OF THE LEGAL COMMITTEE OF KING'S COLLEGE COUNCIL, 1842.

The following is the Report of the Committee of King's College Council on the legality of Statutes IV. and V. of the University in regard to the appointment of the Vice President of the University, dated the 23rd of November, 1842.

1. The Committee, to whom was referred the consideration of the 4th Chapter and the 5th Section of the 5th Chapter of the Statutes of the University of 1840, beg leave most respectfully to Report; that with respect to the first—Statute IV., while, in one of its enactments, namely that in which the Vice President is appointed “to preside in the absence of the Chancellor and President,” it is clearly bad, as it thereby interferes with the Charter, which appoints the Senior Professor to preside in such cases; it admits of great doubt whether the Statute, in its main object, can be sustained, as within the powers of the Council to pass.

2. While your Committee have been unable to find any instance of a corporate body taking upon itself the power of appointing a Deputy to any chief, or principal, office, as Mayor, Recorder, or the like, where not expressly authorized by the Charter, they find Lord Kenyon, in the case of the King against Genever, reported in the 6th Term Reports, 735, referring to the course taken, with respect to the City of Chester, where, it seems, it was much wished that there might be a Deputy Recorder, but, there being no power given by the Charter to elect one, application was made to the Crown for a new Charter. And, although that was the case of a judicial Officer, which might be considered as standing on peculiar grounds, it does not appear that the difficulty was felt to have turned upon any such consideration, but that it equally embraced all offices. And this is further confirmed by the nature of the case then before the Court, to which the Chester case was applied by His Lordship,—in which the question was: whether a bye-law, giving a casting vote to the Senior Bailiff, for the time being, in case of an equality of votes, on the election of his successor, the Charter having given the power of such election to the Bailiff and Alderman, or the major part of them, was good.

3. In addition to which, may be quoted the language of the latest text writer on the subject, (Mr. Wilcock,) who, in his work on Municipal Corporations, page 129, referring to the case of the King *versus* Genever, lays it down broadly, that a bye-law cannot create a new office such as that of Deputy Recorder, if it be necessary to have one, a new Charter must be obtained.

4. Under these circumstances, without reference to other questions, which upon a full consideration of the matter might force themselves upon their consideration, your Committee would respectfully recommend, as the safest course, that no further action be had upon this Statute, such as attaching any duties to the office, or establishing a salary for it, or the like;



and they adopt this as the less objectionable course, in-as-much, as the Statute itself, on the face of it, sets forth that it was passed but for a temporary purpose, [*i.e.*, during the presidency of the Bishop of Toronto.]

5. Your Committee further beg leave to report, that, with respect to the 4th Section of the Vth Chapter of the Statutes, it appears to them that that section in effect amounts, to a considerable extent, at least, to a transfer of the power of making Statutes from the Council itself, —which is but a select body in the University,—and to which the Charter expressly commits the power of making statutes,—to a still more select body, consisting of some of their own Members; and, your Committee apprehend, that such will be found not sustainable as a good bye-law, should the question, as to its validity, ever come to be the subject of litigation.

6. Your Committee would, therefore, recommend that the Weekly Board should confine themselves to recommending such Rules as they may deem expedient, and to the exercise of such other functions only as are not, by the Charter, conferred on the Council itself, or to other of the University authorities.

7. Your Committee further beg leave to report, that they have not recommended the repeal of the foregoing Statutes, because they conceive that, when the University is for sometime in progress, a general revision of the Bye-laws will become necessary, when these, and other points, may be more fully considered, and more satisfactorily disposed of;—the great and paramount object at present being, (in the opinion of your Committee), the putting of the University in actual operation without delay. All of which is most respectfully submitted

ROBERT BALDWIN.

JAMES E. SMALL.

KING'S COLLEGE COUNCIL ROOM, 23rd November, 1842.

Whereupon the Reverend Doctor McCaul recorded his dissent in the following protest:—

*Protest.* Doctor McCaul felt it to be his duty to enter his protest against the introduction of the preface, as written by Mr. Sherwood, and the Report attached to it, inasmuch as the objections were proposed in amendment to Resolutions submitted, which, it was generally understood, should not appear on the Minutes, and in consequence of which understanding, he did not oppose the reference to the Law Officers of the Crown, as Members of the Board, although he should, otherwise, have moved an amendment, that it should be referred to the Visitors of the University, in deference to their opinion, which he conceives was expressed by their not objecting to the Statutes in the space of two years, according to the Charter.

The Registrar was directed to transmit a copy of the Minute to the Visitors.

*Resolved* that the President, the Reverend Doctor McCaul, and the Reverend Henry J. Grasset be a Committee to consider the steps necessary to be taken preparatory to the University going into operation.

#### STATUTES AUTHORIZING THE APPOINTMENT OF A VICE PRESIDENT OF THE UNIVERSITY.

The strong opposition which was made at this Meeting of the King's College Council in 1842 to the appointment of the Reverend Doctor John McCaul, (Professor of Classics, Belles Lettres Rhetoric and Logic,) as Vice President of the then proposed University of King's College, forms a striking episode in the usually quiet and orderly proceedings of the King's College Council.

The practical objections to this appointment are fully stated by the Honourable Levius Peters Sherwood—afterwards a Justice of the Court of Queen's Bench—in his protest, as entered on the foregoing Minutes of the King's College Council, of the 26th of November, 1842.

The legal objections to this appointment are set forth in the Opinion on the subject, by the Honourable Robert Baldwin, then Attorney General, and by his Colleague, Mr. James E. Small, Solicitor General, who were *ex officio* Members of the King's College Council. (See page 199, *ante*).

The popular objections to the appointment of Doctor McCaul, as Vice-President of the University, are, with a good deal of acrimony, enumerated in a

pamphlet published two years afterwards, (in 1844,) on the "Origin, History and Management of the University of King's College, Toronto," by Mr. John Macara—Law Student in Toronto, then recently from Edinburgh.\*

Doctor McCaul replied in an indignant strain to a portion of Mr. Macara's pamphlet, but he did not, in that Letter, refer to the passing of the Statutes, under which he was appointed Vice-President of the University. In a second pamphlet, Mr. Macara refers to this omission and said :—

Doctor McCaul is silent on the fact, that, subsequently to that Resolution, (*i.e.*, Statutes) being passed, one of the late Judges of Her Majesty's Court of Queen's Bench, (the Honourable L. P. Sherwood,) and the Law Officers of the Crown, (Messrs. Baldwin and Small), to whom the point was specially referred, gave it, as their deliberate opinion, that the office of Vice-President was illegal and repugnant to the provisions of the Charter.

As the Book containing the Statutes of King's College has, apparently, been lost, the only available information, in regard to the Statute, (number IV.,) authorising the appointment of a Vice-President of the University, is contained in Mr. Macara's "Origin and History, etcetera, of King's College." Mr. Macara says :—

The Statute (IV.,) proceeds, in the preamble, [to state], that the residence of the President, (Doctor Strachan,) within the precincts of the University, and his personal superintendence of its internal affairs are incompatible with the discharge of his ecclesiastical duties. It, therefore, declares :—

That there shall, during the presidency of the Bishop of Toronto, be a Vice-President, who shall be one of the Professors, and who shall have precedence and seniority next to the President ;—shall reside within the precincts of the University ;—shall preside at all Meetings of the Convocation in the absence of the Chancellor and President.

That it shall be his duty to examine Students previous to matriculation :—to obtain observance of the Statutes by the Professors, Scholars and all other Members of the University ;—to enforce such observances and discipline by admonitions and punishments ;—to be parent and guardian of the Students ;—to direct them in their studies ;—to promote, by all means in his power, their progress in religion and learning ;—to preside over College exercises ; to regulate inferior Officers and Servants ; and to inspect all the affairs of the College, not appertaining to the Bursar's Office. (Page 58).

December 14th, 1842.—The following letter, dated the 10th instant, from Captain Bagot, Private Secretary to His Excellency Sir Charles Bagot, the Chancellor was read :—

I am directed by His Excellency the Governor General to acquaint you, for the information of the Honourable Council of the University of King's College, that he has been pleased to appoint the Reverend James Beaven, D.D., Professor of Divinity.

\* The following notice of Mr. Macara was published in *The Globe* of Toronto in February, 1882 :—

Mr. John Macara, of Goderich, deceased, was one of the oldest and best known Members of the Bar in Ontario. As far as we can learn, says the *Huron Signal*, Mr. Macara was born in Edinburgh, Scotland, in the year 1812, and received the benefits of a superior education and a University training. After his educational course was completed, he studied law and became a writer to the signet. He came to Canada about the year 1843, and at once identified himself with the constitutional changes then in course of inception. Being a man of sound reasoning powers, of great literary culture, and thorough erudition, he wielded a powerful pen in support of constitutional government, and was an earnest ally and helpful co-worker with Robert Baldwin and his associates during the stormy times of '43, '44, and '45. He did more than any other person in Canada towards opening up King's College (now Toronto University) to students of all denominations and creeds. Deceased was admitted as attorney on the 26th of May, 1846, and was called to the Bar at the Hilary term, 1848. He first practiced at Toronto, being a partner with Mr. Gwynne, now Judge Gwynne. He subsequently practiced in Hamilton and London, and removed from the latter city to Goderich over twenty years ago, and established a lucrative practice, from which he retired a few years since.

\* On the Statute, relating to the appointment of Vice-President of the University—submitted by Sir George Arthur (the Chancellor) to the Council of King's College on the 28th of March, 1840, and adopted by the Council on the 4th of April, 1840—Doctor Boys, then Registrar, noted on the margin of the Minute Book, that the Statute IV. and V., then passed, were recorded in the "Book of Statutes." A diligent search was, at my request, made by the present Registrar and Bursar among the papers and records of the old King's College Council, for the missing Statute Book, or for copies of the Statutes themselves, but without effect. The Statute Book, as well as the Model of the University Building of 1842, have apparently been lost. See page 345 of the Second Volume of this Documentary History.

His Excellency has been further pleased to appoint the Honourable William H. Draper, Professor of Common and Civil Law ;—also Richard Potter, Esquire, Professor of Mathematics;—and Henry G. Croft, Esquire, Professor of Chemistry.

I am also desired to acquaint you that the University will not be put into operation in January next, as proposed, and that, in consequence of the representations made by the Reverend Doctor McCaul, it cannot be opened until the 24th of April, 1843, when it is His Excellency's earnest hope that nothing will prevent its then commencing.

KINGSTON, 10th December, 1842.

H. BAGOT, Private Secretary.

*December 28th, 1842.*—The Bursar placed on the table the following statement of the inappropriated funds of King's College on the 28th day of December, 1842.

Provincial Debentures .....	£38,181	15	5
Stock of the Bank of Upper Canada .....	250	0	0
Stock of the Gore Bank .....	187	10	0
Balance in the Bursar's hands .....	52	2	1
Interest due on Debentures .....	527	15	0
	<hr/>		
	£39,199	2	6
Deduct, Bank of Upper Canada overdrawn .....	2,435	6	4
	<hr/>		
Balance .....	£27,763	16	2

## CHAPTER XIV.

### THE UNIVERSITY BUILDING COMMENCED.—LAYING OF THE CORNER STONE.

The 23rd of April, 1842, was indeed a memorable day in the history of King's College University. Elaborate preparations were made by the Council of that College to make St. George's Day, 1842, a red-letter day, and one long to be remembered in the annals of King's College. It certainly was a gala day in Toronto. The procession, which formed in the grounds of Upper Canada College, under the escort of the Incorporated Dragoons, embraced a full representation of all the National and other Societies, Public Bodies and Public Functionaries, as well as the Educational Institutions of the City. A full record of the proceedings of the Day was reprinted, in a pamphlet of twenty-seven pages, from *The Church* newspaper of the 25th of April, 1842. From this pamphlet, the following account of the most important part of the proceedings is taken:—

At 1 o'clock precisely, His Excellency Sir Charles Bagot, M.A. of Oxford University, the Chancellor, arrived at the gate of the College Avenue, in an open carriage and four, escorted by a party of the First Incorporated Dragoons. Here he was received by the Right Reverend Doctor Strachan, President of the University, the Principal and Masters of Upper Canada College, and the Esquire Bedel, William Cayley, Esq., M.A. of Christ Church, Oxford, and conducted to a Chair of State, at the front door of the College, which was placed on a slightly raised platform, over which was suspended a canopy, decorated with ever-green boughs.

The following Address was then read by the Reverend Principal McCaul of Upper Canada College—His Excellency standing, and being attended by his Chief, and Private Secretaries—Thomas W. C. Murdoch, Esq., and Captain Henry Bagot, R.N.

The Address was in Latin, as follows :

Lætantes honore, quo urbam nostram dignatus es, Prefecte Celsissime, gratias tibi, agimus, quod nos quoque haud indignos, quos visere velles, judi—casses.



Tibi in fidem et tutelam Collegium hocce tradimus, nequ, dubitamus quin Patroni munera libenter suscipias, et parvulos hosce Religionis et Doctrinal cultores, quos tibi commendamus, favore, amplectaris, atque eorum ingenia et studia benigne favers. Sperare liceat, illum, cujus operâ promptâ et studiosâ, Canada exoptans, Collegio Regali, dono regibus digno, donata est, nostrum quoque Mæcenatem esse hand designaturum.

Provinciæ, tibi etiam Cancellarie optime, hanc diem gratulamur, Universitatis Canadensis natalem, quam pectore bene fido, beneficior—mugue tuorum memori, reponet nostra ætas,—reponet etiam—

“Et mati natorum et qui nascentur ab illis.”

Deus O. M. det ut diu Canadensibus pæis cum comoda tum decora præstes, et semper, ut hodie, tuum sit, ut “inter olivas hedera circum tempora tibi serpat !

The Translation in English was as follows :

Rejoicing in the honour, which Your Excellency has conferred upon this City, we feel deeply grateful that you have condescended to visit this Institution.

We commend this College to your favour and protection, not doubting that you will gladly undertake the office of Patron, and that, looking benignantly upon these youthful votaries of religion and learning, you will foster their abilities and encourage their studies. We would indulge the hope that he—by whose prompt and energetic action the Province of Canada, earnestly desiring so great a boon, has been blessed with the princely gift of King's College,—will also deign to be our Malcenas.

We congratulate the Province, we congratulate Yourself, O most Excellent Chancellor, upon this day, the birth-day of the University,—a day which the present age will treasure up in grateful and retentive memory, and which will also be remembered for ever by—

“Our children's sons and each successive race.”

May Your Excellency, through the favour of Almighty God, long continue to afford to this Province the enjoyment of the arts as well as the blessings of peace, and as on this day, so may it ever be Your Excellency's characteristic, “to wear as the chaplet on your brow the classic ivy twined round the olive, happy emblem of peace.”

His Excellency's Reply was in Latin, as follows :—

Gratulationes Vestral, tam sincere habitæ, mihi gratissimæ sunt. Collegio, quod commendavistis, hand deerit patrociniū meum, discipulosque vestros animo libenti in tutelam recipio. Nullum enim munus præstantius aut jucundius suscipere possum quam la studia, quibus vos tam diligentur incumbitis, alere, quippe quæ Reginæ Jidelitatem, patriam amorem, et Deo reverentiam summam tribuere doceant.

Dies hæc meâ in memoriâ penitus insidebit, speroque Canadenses Universitatis Torontoniensis bonis furentes, ejus natalem “meliore lapillo” quotannis numeraturos.

Hanc Provinciam, Britannici imperii subsidium et ornamentum, diu pace beet, Deum precor et orout Religione et doctrinâ pariter cum opibus angeatur.

The Translation in English was as follows :—

It is with no ordinary fellings of pleasure, that I receive your cordial congratulations. Be assured that your College shall receive my countenance and support, and that I will gladly extend protection and fostering care to the pupils of the institution. I can indeed undertake no duty more excellent, or more congenial to my fee'ings than to cherish those studies to which you so zealously devote yourselves, for they inculcate the rendering of allegiance to the Queen, attachment to Father-land, and profound reverence to God. This day will for ever be imprinted on my memory ; and I hope that it will ever be regarded by the inhabitants of Canada, whilst enjoying the blessings of the University of Toronto, as a most auspicious and memorable anniversary.

It is my earnest prayer to Almighty God that this Province, which at once strengthens and adorns the British Empire, may long be blessed with peace. that it may flourish alike in wealth, learning and religion.

Immediately on the termination of this part of the ceremony, the tolling of the College bell gave the signal for moving to the site of the University. The vast procession gradually uncoiled itself, and His Excellency, the Chancellor, with the President on his right and the Senior Visitor of the University, (the Honourable Chief Justice Robinson), on his left, proceeded on foot down the College Avenue, lined on either side by Soldiers of the 93rd Regiment, and thence through the streets which lead to the University Avenue. . . . The countless array moved forward to the sound of military music, in the most perfect order, and in strict accordance with the pre-

concerted arrangements. The sun shone out with cloudless meridian splendor upon perhaps the fairest scene that Canada had ever beheld. On marched the long and glittering line through the fine budding plantations of the Avenue, innumerable groups standing on the side-walks, but not marring the outline of the procession. As it drew nearer to the site, where the stone was to be laid, the 43rd Regiment lined the way, with Soldiers bearing arms, and placed, on either side, at equal intervals. The 93rd Regiment was not on duty here; but in every direction the gallant Highlanders were scattered through the crowd, and added, by their national garb and nodding plumes, to the varied beauty of the animated scene.

When the site was reached, a new feature was added to the interest of the ceremony: Close to the spot, (the north-east corner,) where the Foundation Stone was to be deposited, a temporary building had been erected for the Chancellor, and there, accompanied by the Officers of the University and his suite, he took his stand. Fronting this was an amphitheatre of seats, constructed for the occasion, tier rising above tier, densely filled with Ladies, who thus commanded a view of the whole ceremony. Between this amphitheatre and the place where the Chancellor stood, the procession ranged itself.

Order having been observed the Right Reverend Bishop Strachan, the President of the University, read the following Address:—

MAY IT PLEASE YOUR EXCELLENCY :

In tendering to Your Excellency our grateful acknowledgments for the lively interest, which you have taken in accelerating the commencement of the University of King's College, I am giving expression to the feelings, not of this assembly alone, but of all the inhabitants of the Province. The Institution had long stood in abeyance from causes, which I will not mar this happy hour by calling to remembrance. We shall be better employed in offering mutual congratulations, that they are now removed, and that this auspicious day, long anxiously looked for, has at length arrived;—a day never to be forgotten in the history of Upper Canada, and which, connecting itself with the first acts of Your Excellency's administration, becomes, we trust, the harbinger of internal peace, and of happier times.

To found an ordinary Seminary of Learning, has ever been esteemed an object of honourable ambition; but to lay the foundation of a Royal College, like this, destined to diffuse through so vast a region as the United Province, sound knowledge and pure religion, is a proud distinction, which is seldom attained, and which, associated in imagination, as it must be, with so many coming blessings to the people over whom you preside, will become a source of delightful recollection to Your Excellency, while life remains.

Not only the present, but countless generations yet unborn, will have abundant cause to rejoice in the proceedings of this day;—proceedings which give life to an Institution, calculated, under Divine Providence, to advance the glory of God and the best interests of mankind.

The University of King's College is designed to be as strictly collegiate, both in discipline and character, as the circumstances of this new country will admit: and for this purpose it will keep in view, in its progress, the glorious models, furnished by the Parent State, to which Science, justly so called, and Christian Truth are so much indebted; and it will raise on a like basis, such a superstructure, as shall fully meet the wants and circumstances of this great Colony, as well as the particular destination of each of the numerous students, by whom it will be attended.

When undertaking any work of importance, it has been the practice of Christian believers to seek for Divine light and protection. Let us then, in accordance with so pious a custom, begin with offering up our prayers to Almighty God for a blessing on this solemn occasion, and for guidance and support to all who now are or may hereinafter be in any way connected with this Royal Institution, whose actual existence this passing moment commences.

The Reverend John McCaul, L.L.D., of Trinity College, Dublin, Principal of Upper Canada College, then offered up the first Prayer :

ALMIGHTY GOD, without whose favour and protection the noblest designs of man are brought to nought, look down we beseech Thee, in Thy infinite goodness upon the work which we are about to commence.

Grant O most merciful Father, that the University of King's College may ever acknowledge Thee as its great Builder—our blessed Saviour Himself being the Chief Corner Stone. On Thy Holy Word we lay the foundation, in full trust that so long as it is established upon this rock,

it shall stand for ever a monument of Thy goodness and loving-kindness. Mercifully vouchsafe to it a bountiful measure of Thy richest grace ; and grant, O Lord, grant that it may ever prove a blessing to the land—training up Physicians, skilful to heal,—Lawyers, ready to succour and defend,—and Priests, clothed with righteousness and salvation.

May our children's children, within the walls about to rise, be taught that knowledge, which can alone make them wise unto salvation,—the knowledge of Thee, whom to know is life eternal.

Look down, look down upon us, O God, we beseech Thee, and prosper Thou the work of our hands—through Jesus Christ our Lord. *Amen.*

The Reverend Henry James Grasett, B.A., of St John's College, Cambridge, a member of the University Council, followed this with the "Bidding Prayer:"

Let us pray for Christ's Holy Catholic Church ; that is, for the whole Congregation of Christian people dispersed throughout the world,—particularly for that pure and reformed part of it, to which we belong.

For all Christian Sovereigns, Princes and Governors, especially Her Most Excellent Majesty, our Sovereign Lady, Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, over all persons and in all causes within her dominions, supreme.

For Adelaide, the Queen Dowager, the Prince Albert, Albert Prince of Wales, and all the Royal Family.

Pray we also for all those who bear office in this part of Her Majesty's Dominions, and herein more particularly for the Governor-General ;

For the Ministers and Dispensers of God's Holy Word and Sacraments, whether they be the Archbishops, particularly William Howley, Lord Archbishop of this Province ; or Bishops, particularly John, Lord Bishop of this Diocese, or the inferior Clergy ; the Priests and Deacons ; for the Executive and Legislative Councils ; the Judges, Magistrates, and Gentry of the Province ; that all these, in their several stations, may serve truly and faithfully to the honour of God and the welfare of his people ; always remembering that strict and solemn account which they must themselves one day give, before the judgment seat of Christ.

And that there never may be wanting a supply of persons duly qualified to serve God, both in Church and State, let us pray for a blessing on all Seminaries of sound learning and religious education, especially the Universities of our native country ; and, as in duty bound, for this Royal foundation of King's College ; for the Right Honourable the Chancellor, the Right Reverend the President, the Visitors, and all the Council of the same.

Pray we likewise for the Civil Incorporation of this City ; for the Worshipful the Mayor, the Aldermen, and all that bear office in that Body.

Lastly, let us pray for all the Common's of the Province ; that they may live in the true faith and fear of God,—in dutiful allegiance to the Queen, and in brotherly love and Christian charity one towards another.

And, as we pray unto God for future mercies, so let us praise His Most Holy Name for those we have already received ; for our creation, preservation, and all the blessings of this life ; but, above all for our redemption through Christ Jesus ; for the means of grace afforded us here, and for the hope of glory hereafter.

Finally, let us praise God for all those who have departed this life in the faith of Christ, beseeching Him, that we may have grace so to direct our lives after their good examples, that, with them, we may be partakers of His heavenly Kingdom.

These prayers and praises let us humbly offer up to the Throne of heaven, in the words which Christ himself hath taught us—Our Father which art in Heaven—

"Lauda Zion" a piece of sacred music, was then performed, after which the Honourable Levius Peters Sherwood presented to the Chancellor, the gold and silver coins, and the bottle, in which they were presently afterwards placed ; and the Honourable William Allan presented a copy of the Charter and various papers.

The bottle was then corked, tied down, and covered with wax and tinfoil, by Mr. John Beckett, Chemist ; and His Excellency placed it in the excavation destined for its reception in the Corner Stone.



The Honourable William Henry Draper, Attorney General, than read the Latin inscription which covered the Foundation Stone, as follows :—

COLLEGII. REGALIS. IVXTA. TORONTO.  
 CVM. DIPLOMATE. TVM. AGRIS. IAMPRIDEM. DONATI.  
 PER. MVNIFICENTIAM. SVMMAM. CVRAMQVE. PATERNAM.  
 GEORGII IV. BRITANN: REGIS.  
 AVCTORITATEM. VALENTM. AC. STVDIVM. SINGVLARE.  
 PEREGRINE. MAITLAND. ORD: BALN: EQ:  
 VLTERIORIS. CANADÆ. PRÆFECTI.  
 ET. MENTEM. PROVIDAM. SEDVLAMQVE. OPERAM.  
 IOANNIS. STRACHAN, S. T. P.  
 TVNC. TEMPORIS. ARCHIDIACONI. EBORACENSIS.—  
 FVNDAMENTA. HOC. LAPIDE. POSITO. IECIT.  
 CAROLVS. BAGOT. A. M.  
 EX. ÆDE. CHRISTI. APVD. OXONIENSES.  
 ORD: BALN: EQ: SVMMIS. HONORIBVS. PRÆDITVS.  
 IDEMQVE. IN. SEPTENTRIONALIS. AMERICÆ. PARTIBVS.  
 IMPERIO. BRITANN. FELICITER ADIECTIS  
 VICE. REGIA. RERV. SVMMAM. ADMINISTRANS.  
 ET. VNIVERSITATIS. IAM. IAM. ORITVRÆ. CANCELLARIVS.  
 VOLVIT. VIR. EGREGIVS.  
 VT. CANADÆ. STATIM. ESSET. VBI. IVVENTVS.  
 RELIGIONIS. DOCTRINÆ. ARTIVMQVE. BONARVM. STVDIIS.  
 ET DISCIPLINA.  
 PRÆSTANTISSIMVM. AD. EXEMPLAR.  
 BRITANN: VNIVERSITATVM.  
 IMITANDO. EXPRESSIS. IPSA. IAM. FRVERETVR. EADEMQVE.  
 POSTERIS.  
 FRVENDA. TRADERET.

IX. KAL: MAIAS.  
 ANNO. SALVTIS. NOSTRÆ. MDCCCXLII.  
 VICTORIÆ. AVTEM. BRITANN: REGINÆ. QVINTO.

OPERI. TANTO. TALIQVE. FAVSTISSME. INCHOATO. FAVEAT.  
 QVI. INCEPTA. NOSTRA.  
 SECYNDARE. SOLVS. POTES. DEVS. O: M: PER DOMINVM.  
 NOSTRV. ET SALVATOREM IESVM CHRISTVM.

NOMINA VISITATORVM.  
 HONDI: J. B. ROBINSON. J. JONES.  
 J. B. MACAULAY. A. M'LEAN.  
 C. A. HAGERMAN.  
 NOMINA EORUM QUI SVMT E CONCILIO.

HONDIS: ET REVERENDVS IN CHRISTO PATER.  
 JOHANNES STRACHAN, S. T. P. EPISCOP: TORONTO. PRÆS.  
 HONDI: R. S. JAMESON. HONDI: R. B. SVLLIVAN.  
 GVL. H. DRAPER. GVL. ALLAN.  
 A. COVVILLIER. J. S. MACAVLAY.  
 REVERENDVS. I. M'CAVL, LL.D. L. P. SHERWOOD.  
 REVERENDVS. H. I. GRASETT, A. B.  
 HENRICVS BOYS, M. D. BVRSARIVS. THOMAS YOVNG, ARCHITECTVS.

The Honourable Robert Sympson Jameson, Vice Chancellor, of Upper Canada, then read an English translation of the foregoing inscription as follows :—

Sir Charles Bagot, Master of Arts, of Christ Church, Oxford, Knight Grand Cross of the Bath, Governor General of British North America, and Chancellor of the infant University, laid the Foundation stone of King's College, near Toronto; which, through great munificence and paternal care of George IV., King of Great Britain and Ireland, the prevailing influence and conspicuous zeal of Sir Peregrine Maitland, Knight Commander of the Bath, and Lieutenant Governor of Upper Canada, [1818-1828] and the sagacious foresight and unwearied exertion of John Strachan, Doctor of Divinity, at that time Archdeacon of York—had long been chartered and endowed.

It was the desire of our illustrious Chancellor that the youth of Canada should within their own borders, enjoy without delay and transmit to posterity the benefits of a Religious, Learned and Scientific, Education, framed in exact imitation of the unrivalled models of the British Universities.

April the 23rd, 1842 :—In the Fifth year of Victoria, Queen of Great Britain. To a work so important and useful, commenced under the most happy auspices may that Almighty Being, who alone can bring all our efforts to a successful issue, vouchsafe His blessing, through our Lord and Saviour Jesus Christ.

VISITORS : THE HONOURABLES :—JONAS JONES, ARCHIBALD McLEAN, CHRISTOPHER ALEXANDER HAGERMAN, JOHN BEVERLEY ROBINSON, JAMES BUCHANAN MACAULAY.

THE COUNCIL OF KING'S COLLEGE :—The Honourable and Right Reverend John Strachan, D.D., LL.D., Lord Bishop of Toronto, and President of the University. The Honourable Messieurs Robert Sympson Jameson, Austin Cuvillier, William Henry Draper, Robert Baldwin Sullivan, William Allan, John Simcoe Macaulay, Levi Peters Sherwood. The Reverends John McCaul, LL.D., and Henry James Grasett, A.B.

The Chancellor then placed the brass plate, soldered down in a case of zinc, over the bottle. The Honourable Captain John Simcoe Macaulay presented the Trowel, (which was a beautiful piece of workmanship,) to Sir Charles Bagot, the Chancellor. The blade of the Trowel bore this inscription :—

This Trowel was used at the ceremony of laying the Foundation stone of the University of King's College, near Toronto, in Canada, April the 23rd, 1842, by His Excellency the Right Honourable Sir Charles Bagot, G. C. B., M.A., of Christ's Church College, Oxford, Governor General of British North America, and Chancellor of the University.

After taking the Trowel, the Chancellor proceeded to lay the Foundation stone of the University Building. After doing which the Artillery fired a salute of nineteen guns and the Band played the National Anthem.

The President of the University then dismissed the Assembly with the following Prayer :—

O God, who art the Father and Lord of all beings and glorious in all perfection, we Thy children desire to offer unto Thee our most hearty and unfeigned thanks for permitting us to live and see this day, and to commence, under Thy blessed guidance so great a work.

Prosper the work, we beseech Thee, to a happy conclusion, and grant that so many of us as Thy good Providence may preserve to witness its solemn Dedication, may join together, in heart and in spirit, in praising Thy Holy Name, and in supplicating Thy grace and mercy on its future objects.

Grant that it may continue for endless generations, a fruitful Memorial of Thy goodness and loving kindness to this favoured Land :—and that, sanctified by Thy blessing, it may promote for evermore Thine honour and glory, through Jesus Christ our Lord. *Amen.*

Three cheers were then heartily given for Her Majesty ;—three for Sir Charles Bagot ;—three for the President and three for Chief Justice Robinson.

The procession then returned to Upper Canada College, and, attended His Excellency to the House of the Principal, dispersed.

The remaining proceedings of the day are thus reported :—

After a short interval, the Chancellor and Officers of the University and other chief officials proceeded to the Large Hall of Upper Canada College, as guests at Luncheon of the Principal and Masters of that Institution.

Doctor McCaul, the Principal, took the Head of the table, with the Chancellor on his right, and the Bishop on his left and the rest of the company were placed in suitable order. Latin Graces were pronounced by Master Arthur Wickson, of the 5th Form, of Upper Canada College, and Second King's College, Exhibitioner, (before the entertainment commenced), and by Master Sidney Cosens, also of the 5th Form, and First King's College, Exhibitioner, at its conclusion.

Doctor McCaul, in rising, proposed the health of Her Most Gracious Majesty the Queen, very nearly in the following terms :—

It is, I am persuaded, wholly unnecessary for me either to preface, or even to mention the toast, which stands first on my list, for when did the festal cup ever pass round amongst Britons, and the first libation was not in honour of their Sovereign? When has a joyous occasion been celebrated amongst us, in which loyalty has ever forgotten to offer the first tribute of affection to our Queen?

After this toast had been honoured, the Principal then gave the health of "His Excellency, the Chancellor of the University." After the cheering had subsided, His Excellency arose, and said :

Doctor McCaul and Gentlemen, Allow me to offer to you my unfeigned thanks for the very flattering compliment which you have done me the honour to pay me ; and I hope that you will allow me, at the same time, to congratulate you—the City of Toronto, and the whole Province of Canada, upon the successful commencement of the great and good work in which we have been this day so auspiciously engaged.

Felix, Faustumque sit !

Brought up myself in the University of Oxford, I feel that I am not altogether an incompetent judge of the extensive and endless blessings which flow from institutions similar to hers. I have ever considered the two Universities of Oxford and Cambridge as the breasts of the mother country. From them has been derived, through a succession of ages, that wholesome and invigorating nutriment which has led to her gigantic growth. From them have been derived all the comforts of pure and social religion—all that is useful and beneficial in science—all that is graceful or ornamental in literature. These same blessings, gentlemen, unless I greatly deceive myself, we have, under Providence, this day transplanted into these mighty regions. There may they continue from generation to generation ! There may then serve to instruct, enlighten, and adorn your children's children through ages yet unborn, as they have for many ages past the children of our parent state ! That it will be so, I entertain no doubt. From the pure flame which burns upon the holy altars of those venerable establishments, we have this day brought a spark which will rapidly spread itself with equal purity, and I trust, with equal splendour over our western world.

*Nosqueubie primus equis Oriens adflavit anhelis,*

*Illic sera rubens accendit lumina Vesper.*

Then followed a Latin Ode recited by Master W. G. Draper, of the 7th Form of Upper Canada College, and some Greek verses by Master Norman Bethune of the same Form.

Doctor McCaul then proposed the health of the Lord Bishop, President of the University, He said :—

In proposing this toast, I have the satisfaction of knowing, that however I may fail in doing justice to the estimation in which we hold the subject of it, none of us can fail in cordially receiving and gratefully welcoming it. On any occasion connected with the moral and intellectual advancement of Canada, the name of the Right Reverend Prelate on my left would be most justly and appropriately introduced ; but at the festival, which we are at present celebrating, we gladly recognize the peculiar and especial claims which his Lordship has to our respect and regard, not merely as Canada's first and most successful Instructor of her youth, but as the Father of the University of King's College.

It is not my intention to trace his Lordship's laborious and useful career, whilst engaged in the work of Education, or to detail the difficulties, which his steady perseverance, and unremitting exertion surmounted in effecting and confirming the establishment of a Provincial Seat of Learning, under a Royal charter, the remembrance of these is still fresh in the memory of many of those who surround me. It is to him, that the Province is indebted for a Robinson, and others too, who by their private virtues and public worth, grace the highest offices in the Colony, and that, if it had not been for his untiring efforts, we should never have witnessed the proud



and glorious scene which we beheld to-day. Long then may his Lordship be spared to rejoice over the realization of those hopes, which he so long cherished, and to behold the prosperity of an Institution, which is indebted to him under Providence, for its existence.—Long may he be spared to discharge the high and sacred duties, which he so faithfully executes, and increase the debt of gratitude, which Canada owes him, for his educational labours, by raising many an additional spirit to grace her scenery—by filling many an additional pulpit with faithful preachers of Christ and His salvation.

The Bishop then replied in a few but touching words, He declared that he had looked for this day for forty years, and that the present was the happiest moment of his existence. His feelings were evidently almost too strong for him ; and he spoke with an eloquence far beyond that of words. The company shortly afterwards separated, and in the evening the President entertained, at dinner, the Chancellor, Visitors and Council of the University. Thus ended a day which will long be memorable in the history of the University.

## CHAPTER XV.

### ASSISTANT SUPERINTENDENT OF EDUCATION, WEST, APPOINTED

Although the Common School Act of 1841 received the Royal assent in September of that year, it was not until May, 1842 that the Officers authorized by the Act to carry it into effect were appointed.

### SIR FRANCIS HINCKS' NARRATIVE OF THE CIRCUMSTANCES OF THE APPOINTMENT.

The Honourable Mr. (afterwards Sir) Francis Hincks, in the "Reminiscences of his Public Life," which was published in 1884, thus narrates the circumstances connected with the appointment of the first Assistant Superintendent of Education for Upper Canada :—

A few month after Sir Charles Bagot's assumption of the Government of Canada, it became necessary to fill the office of Superintendent of Common Schools, which had been created by an Act of the Legislature, passed in the preceding Session. The appointment was conferred on the Reverend Robert Murray, (M.A.), Presbyterian Minister, resident at Oakville, Upper Canada.

After an incumbency of rather more than two years, Mr. Murray accepted the Professorship of Mathematics in the University of Toronto, owing, as is stated by Doctor Hodgins, in his "Story" of the Life of Doctor Egerton Ryerson, to his "feeling the anomalousness of his position, and his inability and powerlessness to establish a system of Public School Education." He was succeeded by Doctor Ryerson ; and Doctor Hodgins has devoted some Chapters of his Work to a narrative of Doctor Ryerson's previous Correspondence with the confidential Secretaries of Lord Metcalfe, Lord Sydenham and Sir Charles Bagot.

It appears from the Letter written by Doctor Ryerson on the 14th of January, 1842, after Sir Charles Bagot's arrival, and addressed to Mr. Murdoch, the same Secretary with whom he had been in confidential correspondence during Lord Sydenham's life, that, in the last interview that he had with that Nobleman, it was intimated to him that "he might be more usefully employed for his Country than in his then limited sphere." His reply was that he "could not resign his present official position in the Church" at that time ; but he proceeded to state, that he knew of no position that would suit him, likely to be at the disposal of the Government, except the Superintendency of the Common Schools.

Lord Sydenham was not, at the time, certain of the passage of the Bill, but expressed his determination to get it passed, if possible, and to give effect to what he had proposed. Whether this conversation was known to any of the Ministers does not appear ; but the early communication of its substance to Sir Charles Bagot's Secretary is a tolerably clear vindication of Doctor Ryerson's wishes in January, 1842. The appointment of Mr. Murray was made in May, 1842, about four months after the date of Doctor Ryerson's Letter to Mr. Murdoch.

I think I can throw some light on the subject ; but, before doing so, I must call attention to a note furnished by Doctor Hodgins himself, in which he cites from a Letter of the Honourable Isaac Buchanan, dated, March, 1883, (apparently the very same Letter already quoted with reference to the appointment of the Reverend Robert Murray,) the following words : “ Whom we had got appointed Assistant Superintendant of Education.”

The appointment was largely due to the influence of Mr. Secretary Harrison, who was to be himself Chief Superintendent, and who was on terms of intimacy with the Reverend Robert Murray,—who had been his near neighbour at Oakville. Whether Mr. Harrison was aware of Lord Sydenham's intentions, in regard to the Reverend Egerton Ryerson, does not appear ; but I should think it probable that there may have been some difference of opinion in the Cabinet, because I distinctly recollect that Mr. Murray got up a recommendation for the appointment, to which he procured the signatures of a large number of the supporters of the Government, and, among others, I had no doubt, that of Mr. Buchanan ; and it must have been to that testimonial that Mr. Buchanan referred, when he wrote in 1883, “ whom we have got appointed.” Mr. Buchanan in the same Letter, refers to his having shared the somewhat delicate duty of getting our esteemed friend, the Reverend Robert Murray, to accept a professorship, the object having been to make way for Doctor Ryerson. (*Page 84 and 85.*)

#### NARRATIVE OF THE APPOINTMENT OF THE FIRST ASSISTANT SUPERINTENDENT OF EDUCATION FOR UPPER CANADA, FROM “THE STORY OF MY LIFE.”

The preceding narrative of the appointment of the first Assistant Superintendent of Education for Upper Canada in 1842, by Sir Francis Hincks, is but a brief summary of the circumstances connected with that appointment. I, therefore, insert the fuller account of it, given by Doctor Ryerson himself, in his Letter of the 14th of January, 1844, on the subject, and by the late Honourable Isaac Buchanan, in a Letter written to me on the 24th of March, 1883.

In point of fact, the appointment was first spoken of to Doctor Ryerson by Lord Sydenham himself, in the autumn of 1841. The particulars of that circumstances are mentioned in detail in the Letter referred to, written by Doctor Ryerson to Mr. T. W. C. Murdoch, Private Secretary to Sir Charles Bagot, on the 14th January, 1842, and to which Sir Francis Hincks refers. Doctor Ryerson said :—

In the last interview with which I was honoured by [Lord Sydenham], he intimated to me, that he thought I might be more usefully employed for this Country than in my present limited sphere ; and whether there was not some position in which I could more advantageously serve the Country at large. I remarked, that I could not resign my present official position in the Church, with the advocacy of whose interests I had been entrusted, until their final and satisfactory adjustment by the Government, as I might thereby be represented as having abandoned or sacrificed their interest ; but that after such adjustment I should feel myself very differently situated, and free to do anything which might be beneficial to the Country, and which involved no compromise of my professional character ; that I knew of no such position likely to be at the disposal of the Government except the Superintendency of Common Schools, (provided for in the Common School Bill then—in 1841—before the Legislature), which Office would afford the Incumbent a most favorable opportunity, by his communications, preparation and recommendation of books for libraries, etcetera, to abolish differences and jealousies on minor points ; to promote agreement on great principles and interests ; to introduce the best kind of reading for the Youth of the Country ; and the not onerous duties of which Office would also afford him leisure to prepare publications, calculated to teach the people at large to appreciate, upon high moral and social considerations the Institutions established amongst them ; and to furnish, from time to time, such expositions of great principles and measures of the administration as would secure the proper appreciation and support of them on the part of the people at large.

Lord Sydenham expressed himself as highly gratified at this expression of my views and feelings ; but the passing of the Common School Bill was then doubtful ; although his Lordship expressed his determination to get it passed, if possible. . . .

Apart from this statement of the intentions of Lord Sydenham, it is also clear that the determination of Sir Charles Metcalfe to appoint Doctor Ryerson to a position in which he could carry out a comprehensive scheme of Public School Education, in Upper Canada, was come to some time before the question of the difference between Sir Charles Metcalfe and his late Councillors in 1843, had engaged Doctor Ryerson's attention, and even at a time when his impressions on the subject were rather against the Governor-General.\* This conclusion was arrived at by Sir Charles Metcalfe, after full and frequent conversations with Doctor Ryerson on the subject of the Baldwin University Bill. On the 18th of December, 1843, Lord Metcalfe's Private Secretary wrote a Letter to Doctor Ryerson, in which he stated that "His Excellency will be happy to have some conversation with you on the question to which I allude, (*i.e.*, the University Bill) the first time you may visit this part of the Province."

Not having been able to go at once to Kingston, Doctor Ryerson wrote to the Governor General in regard to the University Bill. His Secretary replied early in January, saying:—

When it will suit your convenience to come this way, His Excellency will have an opportunity of fully discussing the subject touched upon in your Letter.

Doctor Ryerson soon afterwards went to Kingston and saw Sir Charles Metcalfe on this subject. In a Letter written to the Honourable W. H. Merritt, shortly after this interview, Doctor Ryerson said that His Excellency's object in sending for him was with reference to the University question, then pending. He further states that:—

Toward the close of 1843, Sir Charles Metcalfe determined to prepare and give effect to a liberal measure on the University question—on which subject the Honourable Robert Baldwin had proposed elaborate and comprehensive resolutions. Sir Charles Metcalfe sent for me to consult with me on the University question, as I was then connected with one of the Colleges. I explained to His Excellency my views, and added that the educational condition of the Country at large was deplorable, and should be considered in a System of Public Instruction, commencing with the Common School and terminating with the University; being connected and harmonious throughout, and equally embracing all classes, without respect to religious sect, or political party. Sir Charles was much impressed and pleased with my views, and expressed a wish that I could be induced to give them public effect.

Doctor Ryerson then goes on to say:—

I remarked to Sir Charles that Lord Sydenham, a few days before his sudden death, had proposed the same thing to me, and that had he survived a few weeks, I would likely have been appointed, with a view of organizing a System of Elementary Education; but that as Lord Sydenham died suddenly, and, as I scorned to be an applicant to Government for any office, I mentioned the fact to no Member of the Government. In May, 1842, another Gentleman was appointed Assistant to the Provincial Secretary as Superintendent of Education. He was treated as a Clerk in the Office of the Provincial Secretary, having no Clerk himself, and having to submit his drafts of letters, etcetera, to the Provincial Secretary for approval.

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\*It was the Honourable William Hamilton Merritt who influenced Doctor Ryerson to change his mind on the subject. The full particulars in regard to this matter are given on pages 314-317 of *The Story of My Life*, (1883).



After this interview Doctor Ryerson, on the 26th of February, wrote to the Governor General on the University Question. Mr. Secretary Higginson replied, and, at the conclusion of his Letter, repeated the offer which Sir Charles Metcalfe had made at the close of the year:—

The Governor-General is so sensible of the great value of the aid you would bring the Government in the intellectual improvement of the country, that he anxiously hopes, as suggested, that some arrangement may be devised satisfactory to you to obtain your co-operation; and His Excellency will keew his mind bent on that object, and will be happy to hear any further suggestion from you with a view to its accomplishment.\*

#### THE HONOURABLE ISAAC BUCHANAN'S STATEMENT.

The Honourable Isaac Buchanan, in a Letter to the Editor of this Volume, dated the 24th of March, 1883, said:—

Being on the other side of the Atlantic from the fall of 1841 to that of 1843, I was not in circumstances to know to what extent the name of Doctor Ryerson was discussed prior to the appointment of Mr. Murray [in May, 1842]; but I cannot believe that the minds of many who knew him to be the fittest man, could have been otherwise than on Doctor Ryerson. On the contrary, I believe that nothing prevented him being gladly offered the originating of an Educational System for Upper Canada—a Province which he knew so well and loved so much—but the most unworthy Church prejudices of parties who had influence with the Government of the day, for it was known to be a herculean task which no one could do the same justice to as Doctor Ryerson, and which few men, (however great as scholars themselves), could have carried through at all.

I was one of the first to see the necessity of our getting Doctor Ryerson to take hold of our Educational System, and I shared the somewhat delicate duty of getting our esteemed friend, the Reverend Robert Murray, (whom we had got appointed Assistant Superintendent of Education), to accept a professorship at the Toronto University, when the Reverend Doctor Ryerson succeeded to the vacant post in 1844.†

I. BUCHANAN.

HAMILTON, 24th of March, 1883.

In the *Canada Gazette* of the 12th of May, was the following announcement:—

SECRETARY'S OFFICE, KINGSTON 11th May, 1842.

His Excellency the Governor General has been pleased to make the following appointment.

The Honourable Robert Sympson Jameson, Vice-Chancellor, to be Superintendent of Education, under the Provincial Act, 4th and 5th Victoria, Chapter 18.

The Reverend Robert Murray, and Jean Baptiste Meilleur, Esquire, to be Assistant Superintendents of Education for Western and Eastern Canada, respectively.

By command, S. B. HARRISON, Provincial Secretary.

\* It is clear that Dr. Ryerson looked forward at this time to his appointment as Superintendent of Education for Upper Canada, and intended, in that case, to make me his Assistant in the work. For the subject, which he assigned to me as a theme for the spring examinations was "*The Educational Prospects of Canada.*" I therefore prepared it in March, 1843 and recited it at the spring examinations of that year.

† The Hon. Isaac Buchanan, in a Letter to the Editor, dated the 11th of April, 1882,—speaking of these times and events said:

I was one of Doctor Ryerson's oldest friends and co-operators that have survived him. I was first in Toronto (then York) in 1830. Although not then twenty years of age, I came out to Montreal as a partner in a mercantile firm; and in the fall of 1831 I came up to York to establish a branch House. From that time I had known Doctor Ryerson, and then formed that high opinion of both his abilities and his character which went on increasing more and more; so that for the last forty years of his life I have regarded him as Canada's greatest son. Of late years I seldom met him, but when I did, it was an inexpressible pleasure to me, as an interchange of the most unbounded mutual confidence took place between us in our views and objects. . . . He knew my belief that the Church Question being in the way of this peoples' question, it took the first place among the causes of all the industrial evils in England and Ireland. With me, therefore, it was a *sine qua non* to get quit of our dominant Church nuisance, viewing it as a thing in the way of the prosperity of the people, and therefore as a thing insidiously undermining their loyalty. I am sure that his views were not far removed from mine in this matter, yet not a particle of enmity to the Church of England ever effected me, and, I believe, the same thing was true of Doctor Ryerson.

CHAPTER XVI.

MISCELLANEOUS PAPERS RELATING TO EDUCATION IN UPPER CANADA, 1842.

EDUCATIONAL PAYMENTS BY THE RECEIVER-GENERAL FOR THE YEAR 1841.

Abstract of payments made under the Act of the late session of the Parliament of the Province of Canada, 4th and 5th Victoria, Chapter 50, (1841), of the public service of that part of the Province, formerly Upper Canada, from the 10th February to the 31st December, 1841, inclusive.

F. HINCKS, Inspector General.

County Treasurers.	Educational Service.	Amount Sterling.		
Name.	Common Schools.	£.	s.	d.
A. N. Buell.....	Johnstown District for year 1841 ....	450	0	0
John Ham .....	Victoria District .....	180	0	0
David Smith .....	Prince Edward District .....	180	0	0
Zaccheus Burnham .....	Newcastle ditto .....	450	0	0
Henry Beasley .....	Gore ditto .....	411	6	0
F. J. Billings .....	Home ditto .....	675	0	0
D. McDougal .....	Niagara ditto .....	450	0	0
Archibald McLean.....	Eastern ditto .....	450	0	0
John Harris.....	London ditto .....	270	0	0
Hugh C. Barwick .....	Brock ditto .....	135	0	0
J. B. Baby .....	Western ditto .....	315	0	0
T. M. Radenhurst.....	Bathurst ditto .....	450	0	0
Thomas H. Johnston .....	Ottawa ditto .....	90	0	0
William Hewatt.....	Wellington ditto .....	128	14	0
Total payments to Common Schools in Upper Canada under the Act, 4th and 5th Victoria, Chapter 50.....		£4,635	0	0

WARRANTS ISSUED BY THE RECEIVER-GENERAL UNDER PROVINCIAL ENACTMENTS, ON ACCOUNT OF THE YEAR 1841, FOR COMMON SCHOOLS IN UPPER CANADA.

Authority by Statute.	District Treasurer.	District, and year of payment.	Sterling.		
			£.	s.	d.
7 Geo. IV., ch. 26....	T. M. Radenhurst ....	Bathurst, for the year 1841 ....	225	0	0
7 Wm. IV., ch. 30....	Hugh C. Barwick ....	Brock, do. do. ....	225	0	0
60 Geo. III., ch. 7 } and Geo. IV., ch. 8. }	Archibald McLean.....	Eastern, do. do. ....	225	0	0
	Henry Beasley .....	Gore, do. do. ....	225	0	0
4 Geo. IV., ch. 8, and } 3 Vic. ch. 68 .....	A. N. Buell.....	Johnstown, do. 1840....	675	0	0
	Adiel Sherwood.....	do. do. 1841....	225	0	0
	John Harris .....	London, do. do. ....	225	0	0
4 Geo. IV., ch. 8, and } 3 Vic., ch. 68 .....	David J. Smith .....	Midland, do. do. ....	540	0	0
	Zaccheus Burnham....	Newcastle, for the years 1840-41	900	0	0

Authority by Statute.	District Treasurer.	District, and year of payment.	Sterling.
4 Geo. IV., ch 8 ....	D. McDougall .....	Niagara, for the year 1841 ....	225 0 0
	Thomas H. Johnson ..	Ottawa, for the years 1840-41..	450 0 0
1 Wm. IV., ch 7 .....	David Smith .....	Prince Edward, do. do. ..	225 0 0
7 Wm. IV., ch 33 .....	Henry Webster .....	Talbot, do. do. ..	225 0 0
7 Wm. IV., ch 31 .....	Philip Ham .....	Victoria, do. do. ..	225 0 0
4 Geo. IV., ch 8 .....	J. B. Baby .....	Western, do. do. ..	225 0 0
7 Wm. IV., ch 11 .....	Wm. Hewatt .....	Wellington, do. do. ..	225 0 0
Amount of Warrants issued under the Statutes .....			£5,490 0 0
Payments to Common Schools in Upper Canada, under the Act, 4th and 5th Victoria, Chapter 50 .....			4,635 0 0
Total payments to Common Schools in Upper Canada, 1840 (in part) and 1841..			£10,125 0 0
4 Geo. IV., ch 8 .....	Robert Staunton ..	Printing School Books in 1839-40	2 5 9 9
Expenditure for Common Schools in Upper Canada .....			£10,350 9 9

Authority by Statute.	To whom paid.	As Grammar School Master to the 31st of December, 1841.	Sterling.
			£ s. d.
4th Geo. IV., ch. 27..	William Kay .....	Bathurst District School.....	90 0 0
47 Geo. III., ch. 6....	C. B. Turner .....	Eastern District School, from the } 8th of March, 1841 .....	73 7 1
48 Geo. III., ch. 16 ..			
59 Geo. III., ch. 4....	John Rae .....	Gore District School.....	90 0 0
47 Geo. III., ch. 6....	Marcus Crombie .....	Home District School .....	90 0 0
48 Geo. III., ch. 16 ..	Rev. H. Caswell .....	Johnstown District School.....	90 0 0
do. ....	Rev. F. W. Wright ..	London District School, (to the 23rd September, 1841) .....	65 19 2
do. ....	Rev. R. B. Rogers....	Midland District School, (to the 30th April, 1841) .....	29 16 8
do. ....	S. Lightburne .....	Midland District School, (from 12th of May, 1841).....	60 0 0
do. ....	Robert Hudspeth ....	Newcastle District School .....	90 0 0
do. ....	John Whitelaw .....	Niagara District School .....	90 0 0
4 Geo. IV., ch. 28....	Colin Gregor .....	Ottawa District School.....	90 0 0
1 Wm. IV., ch 7 ....	Representatives of	Prince Edward District School, (to the 25th of April, 1841) .....	28 7 1
do. ....		John Peacon .....	
	John Cockhill.....	Prince Edward District School, (from 31st May, 1841) .....	53 0 3
7 Wm. IV., ch. 33....	Rev. Geo. Salmon....	Talbot District School.....	90 0 0
7 Wm. IV., ch. 31....	Alexander Burdon....	Victoria District School .....	90 0 0
47 Geo. III., ch. 6....	Mrs. Isabella John- son, widow of the } Rev. Wm Johnston }	Western District School, (from 1st of July to 5th of September) .....	16 10 4
48 Geo. III., ch. 16 ..			
do. ....	Albert Salter .....	Western District School .....	90 0 0
7 Wm. IV., ch. 116..	Arthur Vernon .....	Wellington District School, (from 8th March, 1841) .....	73 7 1
Total amount paid to District Grammar Schools in 1841.....			£1,255 7 8



Miscellaneous Educational Expenditures in 1841.

To whom paid.	In what Service.	Sterling.		
		£	s.	d.
Henry Boys, Bursar, of King's College.....	Appropriation in aid of the Upper Canada College, from the 10th of February, to the 31st of December, 1841, at £1,000, sterling .....	890	8	4
MASTER.				
J. Spragge.....	Salary and allowance, in lieu of House Rent, Fuel and Candles, as Master of the Central School at Toronto, from the 10th of February to the 31st of December, 1841, at £230, per annum .....	204	6	5*
TEACHERS.				
Thomas C. Wilson .....	Salary as Teacher, at £90 per annum .....	79	19	0*
Mrs. Rebecca Sylvester ..	Salary as Assistant Teacher, at £45 per annum .....	39	19	6*
Rev. M. H. Williamson ..	Master of the Peterboro' School from the 10th of February to end of 1841 .....	60	2	1*
4th and 5th Vic , ch. 34.				
		£384	7	0
Rev. Egerton Ryerson... ..	Aid to the Trustees of the Victoria College, Cobourg, for the year 1841 .....	450	0	0
		£834	7	0

Estimate of the Expenditure for the Promotion of Education in Upper Canada for the Year 1842, (Exclusive of Statutory Grants to Grammar and Common Schools.)

Nature of Service.	Sterling.		
	£	s.	d.
1. To the Upper Canada College, Toronto.....	1,000	0	0
2. To the Central School, Toronto, for the present year, and arrears of contingent expenses .....	500	0	0*
3. To the Queen's College, Kingston†.....	450	0	0
4. To the Victoria College, Cobourg.....	450	0	0
	£2,400	0	0

CHAPTER XVII.

OPENING OF THE QUEEN'S UNIVERSITY AT KINGSTON, 1842.

The Queen's University at Kingston was opened under its Royal Charter, for the reception of Students, with appropriate ceremonies, on the 7th of March, 1842. Its first President was the Very Reverend Thomas Liddell, D.D.

The following are the accounts given of that memorable day by parties who were present on the occasion. The first is by the Reverend George Bell, LL.D..

\* In regard to these Special Schools, see pages 56, 123 and 251, of the Third Volume of this Documentary History.

† In reply to enquiries made, in February, 1897, to the Treasurer of Queen's University (Mr. J. B. McIver), and to the Registrar, (the Rev. Dr. George Bell,) I learn that the first payment of a Legislative Grant to Queen's College was in 1845. The grant here provided for would doubtless have been paid, had the return asked for been sent to the Receiver-General, as mentioned on page 228. The amount then, and for ten years, down to 1855, they state, was at the rate of \$2,000 per annum. From that year to the end of 1859, the rate was increased to \$3,000 per annum; from 1860 to 1869, (when it ceased,) the amount was at the rate of \$5,000 per annum.

Registrar of the University. At the Jubilee celebration in December, 1889, Doctor Bell, as reported in the Queen's College Jubilee Number, said :

The first classes of Queen's were opened in a frame house on Colborne street on March 7th, 1842. Eleven students were registered, one Second year Divinity, George Bell, (the speaker) ; three Seniors, who also attended classes in Church History and Hebrew, John McKinnon, Thomas Wardrope and Angus McColl ; three Sophomores, William A. Ross, Lachlan McPherson and Robert Wallace ; and four Freshmen, John B. Mowat, John Bonner, Hunter R. Farn-den and William Kerr ; and a few others attended who were not prepared for matriculation. The Reverend Doctor Liddell constituted the Faculty of Theology, and taught Theology, Church History and Hebrew, besides Mental Philosophy and Physics. Professor Peter Colin Campbell constituted the Faculty of Arts, and devoted himself to Latin and Greek. Professor James Williamson was added to the Arts Faculty, to teach Mathematics and Physics, in October, 1842.\* Doctor Bell, (the speaker,) was the first student registered.

The Reverend Doctor Thomas Wardrope, in referring to his early connection with Queen's University, as one of its first Students, mentioned the fact that :

Before he had advanced far in his College course in Edinburgh, his parents moved to Canada. He then goes on to say that to return to Scotland under the circumstances seemed out of the question. . . . In that crisis of my life I heard with hope and joy about Queen's College.

My resolution concerning the College I was enabled to carry out. I may say a word about the journey to Kingston. The College was opened at an abnormal season—in the month of March. There was no navigation, and no sleighing. Along with two fellow-students, the late John McKinnon, Minister at Carleton Place, and the late Lachlan McPherson, Minister at East Williams, I was driven by a friend from West Flamboro' to Kingston. Our conveyance was a farm waggon. There were no "democrats" then ; at any rate none that we knew of. Our boxes were our seats. We set out from Flamboro' on Saturday afternoon and drove to Esquesing, where we spent the Sabbath at the home of one of my fellow-students. On Monday we drove to Toronto. In four days we drove from Toronto to Kingston, reaching the city on Friday night. This was done with the same pair of horses all through ; and I doubt if many of our roadsters could do much better now than did that little team, which trotted away merrily home again, arriving in the end of the following week.

On Saturday morning we awoke refreshed, with nothing of the sensation of weariness, such as some of us would have now after a drive like that which we had. But we were strangers in the city—a busy place then, being the seat of government in those days. None of the people in the hotel at which we had put up could tell us anything about Queen's College. They had never heard the name. We set out, however, to reconnoitre, although not knowing whither to direct our steps. Reaching the market place, a name upon a sign, "Donald Christie," caught our eyes. One of us said : "If there is a Presbyterian College here, a man with a name like that should know something about it." But, strange to say, although a member of St. Andrew's church, and pleasantly willing to give us any information in his power, he could tell us nothing about the College. Bethinking himself, however, he said, "Go to the court house, ask there for Mr. Pringle, and if there is to be a Presbyterian College opened, he will be able to tell you all about it." So really we found him to be, and not only so, but before night he had us all comfortably settled in the snug cottage in which he himself then lived. The following day we heard Mr. (afterwards the Reverend Doctor) Machar in the forenoon and afternoon. None of the students of that time are likely ever to forget the ability and affectionate faithfulness of his ministrations.

The Sabbath being past, the great business was the opening of the College. A small frame house had been taken to give temporary accommodation to the classes. There were in all two professors. One was the Reverend Doctor Liddell, Principal of Queen's College, and Professor of Natural Philosophy, Moral Philosophy, Logic, Hebrew, Church History and Theology. The other was the Reverend Peter Colin Campbell (afterwards Principal Campbell, of Aberdeen), Professor of Latin and Greek. The highest class in the College consisted of George, (now the Reverend Doctor,) Bell. He was in advance of the rest of us, and he had studied Philosophy. I

\* In his note to me, dated 9th of January, 1896, Doctor Bell says : Doctor Williamson did not come to Canada until 1842. He arrived in October, as I remember that the Session had been open some days—from the first of October . . . and Professor P. C. Campbell kept us all employed on Latin and Greek pending the arrival of the Reverend Doctor Liddell, the Principal.

think, under the supervision of the Presbytery of Hamilton. He was the sole Theological Student of the first session of about four months, and to him alone the Principal gave lectures in Theology, (about three in a week) during that period. Next in order of rank, (coming downwards, I mean), was a class of three, of whom I was one. We studied under Doctor Liddell all the subjects I have mentioned as assigned to him, besides taking the senior Latin and Greek under Professor Campbell. Next to our class was another of three: the late Lachlan McPherson, W. A. (now Judge) Ross, and Robert (now the Reverend Robert) Wallace. The Reverend Doctor Mowat and some others were then Freshmen. In the beginning of the following session the provisional staff received a most valuable accession in our venerated friend the Reverend Doctor Williamson; and William (late the Reverend Doctor) Bain, with some other Students, came upon the scene. By that time we had prepared for moving into a building on Princess street, opposite St. Andrew's Church. I say we, because, while the other Students went home for the vacation, I remained as, in a kind of informal way, an official of the College.

The Reverend Doctor James Williamson, in his remarks, said:

You have heard of the circumstances in which the founder of Queen's College took the first practical step for its establishment . . . and of its being opened on the 7th of March, 1842, with two Professors and eleven Students in a small frame House still standing on Colborne street.

It was then like a pioneer settler in the Canadian forest, in his small and scantily furnished log house, with little help, with no labor-saving appliances for preparing the ground, sowing the seed, and reaping the fruits of the harvest, and no facilities by road or rail for marketing the produce. It was yet but a little and tender plant, keenly sensitive to every chilling wind that blew. How different the scene now, when we behold the same plant grown through the winters and summers, the clouds and sunshine, of fifty years, to its present fair proportions! How would it have gladdened the hearts of those, its beneficent first founders, on whose wisdom time has thus set its seal, but who have long since passed away, if it had been given to them, as it is to us, to see its wonderful and healthful growth and its stately form to-day!

#### THE PRESBYTERIAN SYNOD AND QUEEN'S UNIVERSITY, KINGSTON, 1842.

The following are extracts from the Minutes of the Synod of the Presbyterian Church of Canada, held at Montreal, in 1842:

*July 7th, 1842.* At a meeting of the Synod of the Presbyterian Church in Canada, in connection with the Church of Scotland, held this day in St. Paul's Church, Montreal, the following Documents were given in by the Reverend James George, ex-Moderator, videlicet: Various Communications from the Government Office, Kingston, respecting the appropriation of the proceeds of the Clergy Reserves, under the Imperial Act; the Charter of Queen's College, and the claim for a Theological Professorship in King's College, in connection with the Synod.

*July 9th, 1842.* The Synod called for the Report of the Committee on the Synod Library, as to the transference of the Books and Funds to Queen's College. Mr. Andrew Bell reported verbally, and it was ordered that the Books and Funds belonging to the Synod Library be transferred forthwith by the Committee of the Synod Library to Queen's College, as formerly directed.

*July 12th, 1842.* On a motion to that effect the Synod—

*Resolved*—That the attention of the several congregations of this Church be directed to a claim in the Royal Charter of Queen's College, respecting the nomination, by them, of persons eligible, in succession, as Trustees of said College, which will now come into operation, and ought to be acted upon before the next meeting of Synod. The clause is as follows:—

Each Congregation admitted on the Roll of the said Synod, and in regular connection therewith, shall, at a Meeting to be specially called from the pulpit, for that purpose, in every third year, nominate one fit and discreet person, being a Member in full communion with the said Church, as eligible to fill the office of Trustee of the said College; and the persons' names so nominated, being duly intimated by the several Congregations, to the Secretary of the Board of Trustees of Queen's College, in such form as the said Board may direct, shall be enrolled by the said Board, and constitute the list from which lay Trustees shall be chosen, to fill the vacancies occurring at the Board during each year. See page 86 of this Volume, *ante*.



## CHAPTER XVIII.

## PAPERS RELATING TO VICTORIA UNIVERSITY, COBOURG, 1842.

In January, 1842, Mr. Christopher Dunkin wrote a Letter to the Reverend Doctor Ryerson, introducing to him the Very Reverend Doctor Thomas Liddell, the newly appointed Principal of Queen's College University. In that Letter he thus referred to Dr. Liddell :—

He is a gentleman with whose enlarged views I feel confident you will be pleased, as well as he with yours. . . .

The presumable rivalry of your own College and his, I venture to think, will only make it the more agreeable to you to render him the valuable information at your command, as to the Educational state and prospects of our Province, and the means of which you and your fellow-workers in the great cause may best serve its interests.

CHRISTOPHER DUNKIN \*

KINGSTON, 7th of January, 1842.

On the 21st of June, 1842, the Reverend Doctor Ryerson, Principal of Victoria College University, delivered an Inaugural Address on opening that Institution as a University College. The title of this address was, "The Nature and Advantages of an English Liberal Education." Prefixed to the printed copy of that Address are the following remarks written by Doctor Ryerson:—

The establishment of the Institution, now termed Victoria College, was decided upon in 1832. The Buildings were erected and the Institution was opened as an Academy in 1835. In 1836, a Royal Charter was obtained, incorporating the Institution under the name of "The Upper Canada Academy." In 1840, it was incorporated by an Act of the Canadian Legislature as a College, with University powers. It was opened as such on the 21st of June, 1842, with the usual ceremonies, during which, the following Address was delivered on the nature of an "English and Liberal Education" which Victoria College proposed to impart, and its importance to the Clerical, Legal and Medical Professions, as also to the Statesmen and men engaged in the various business pursuits of life.

## COMPREHENSIVE COURSE OF STUDY IN VICTORIA COLLEGE IN 1842.

A printed copy of this Inaugural Address was sent by the Principal of Victoria College to His Excellency Sir Charles Bagot, then Governor-General, on the 10th of September, 1842, accompanied by a Letter of explanation in regard to the Institution.

In this Letter Doctor Ryerson outlined the comprehensive course of instruction which he proposed introducing into Victoria College should he be fortunate enough to procure funds enough to enable him to do so. He also, with a touch of suppressed, or rather unexpressed, pathos illustrates the nature of the accumu-

\* Mr. Dunkin was a noted politician, and a Member from Lower Canada of the Canadian Legislature from 1857 to 1867. He was the promoter of the "Dunkin Act." He was afterwards appointed a Judge of one of the Superior Courts of Lower Canada. Lord Durham appointed him, in 1838, as one of the Commissioners to enquire into the state of Education in Lower Canada. He was then the Editor of the *Montreal Courier*.

lated duties imposed on each of the Instructors—a maximum of work, with a minimum of pay—and yet with no immediate prospect, on his part as Principal, of being able to increase the salaries of the over-worked Professors beyond the small sum of \$600 a year as salary, which was all that the Board of Trustees could possibly allow them. His own salary as Principal and four-fold Professor was only \$800 a year. Doctor Ryerson's Letter to Sir Charles Bagot was as follows:—

MAY IT PLEASE YOUR EXCELLENCY :—I beg permission to enclose for your Excellency's acceptance, a copy of the observations which I made a few weeks since on assuming my present relation to Victoria College.

I cannot suppose that Your Excellency's numerous and important duties will permit you to peruse these observations throughout, but I hope Your Excellency will be able to glance over them, so far as to ascertain their general character and tendency, and that they will meet Your Excellency's approbation.

These observations have been already published in the *Christian Guardian*; and I doubt not but Your Excellency will concur with me, that the admission of the views and feelings, which I have expressed, by a large portion of the Canadian community,—among whom no decided or elevated opinions had been generally formed on the questions introduced,—is an achievement of some importance in the Theological, Classical and practical Science and Literature of Western Canada.

The concluding paragraph develops the spirit in which the operations of this Institution are conducted; and the remarks which I have made on the study of British Literature, although a little out of the ordinary course on such an occasion, will, I am sure, be approved of by Your Excellency.

I beg permission to draw your Excellency's attention to two circumstances connected with this Institution :

The first is, the total inadequacy of our means to prosecute, with success, the great objects contemplated. That our operations are conducted upon the most economical scale, will be obvious to Your Excellency, when I state that the salary of the Principal is only £200, and that of each of the Classical and Mathematical Masters is £150—and that they teach six hours a day each.

That, in addition to my general duties, I have classes in four different Departments, each of which ought to have a distinct Professor, namely: (1) Theology, (2) Moral Philosophy, (3) Natural Philosophy, and (4) History. Besides ordinary class instruction, I am preparing courses of Lectures on Biblical History, the Evidences of Christianity, and the History of England,—or rather, commentaries on the History of England, embracing a popular view of the rise and progress of the civilization, Learning, Science, Arts and Commerce of Great Britain, and especially, her Constitution of Government, and its successive changes and its present state of perfection.

Your Excellency will, therefore, see that more than double duty is performed by the Officers employed in this Institution. I do not propose to lessen their duties, or to increase their salaries. I do not see how we can do either. But I do wish to employ a Teacher of French and German; and I do wish to purchase a few Philosophical Instruments, and some books, as the commencement of a Library. But with our present means we can do neither. The current expenses of last year exceeded the current receipts by about £730 (\$2,920) which excess was partly met by the Parliamentary Grant of £500.

There are also two other objects which I have had deeply at heart: 1. The means of educating young men as Missionaries and Ministers, and of aiding each of our Ministers to educate, at least, one son. The itinerant labours, and limited means and limited support of our Ministers, deprive them, (except they have private resources,) to a very great extent, of the benefits of our Institution, which they have been the chief instruments in establishing.

But on each of these points, I intend to solicit the honour of conferring with Your Excellency.

From the above Your Excellency will perceive that our application to your lamented Predecessor, last year, for £1,000 per annum was moderate indeed.

Another circumstance in connection with this College is, the right of inspection, and the influence which the Government possesses over its operations. In discussions which have taken

place in some of the Provincial papers, in consequence of a Memorial presented to Your Excellency in Montreal respecting the management and character of McGill College, I have observed a reference to Queen's College, Kingston, and Victoria College, in the same connection, as if they were constituted alike. This is a great mistake.

In Queen's College, the Trustees and Professors must subscribe to the Westminster Confession of Faith. In this Institution we have had no such condition, as both Trustees and Teachers, have been Members of the Churches of England and Scotland, as well as Methodists. Again, the Charter of Victoria College provides that the Speakers of the two Houses of the Legislature, and the Law Officers of the Crown for Canada West shall be Members of the Victoria College Board and of its Senate; and, as such, they have a right to visit and examine into the affairs and management of the College at any time. We have not asked aid from Government, without giving it an ample supervision, and if it chose, a paramount influence in the operations of this College.

EGERTON RYERSON.

VICTORIA COLLEGE, COBOURG, September the 10th, 1842.

The reply to the foregoing Letter was written by Sir Charles Bagot's Chief Secretary in September, 1842, as follows:—

I have the honour to acquaint you that the Governor-General has received your letter of the 10th instant, relating to Victoria College, and enclosing a printed copy of your Inaugural Address, on the occasion of the opening of that Institution.

His Excellency has directed me to thank you for this latter mark of your attention, and to express to you his hope that your efforts, in the inculcation of a high tone of Christian feeling among the community over which you preside, will be attended with a success correspondent to the energy and good intentions of your exertions.

With regard to the particular matters which you have brought to His Excellency's notice, His Excellency conceives it to be unnecessary for him at present to offer any observations, as you propose on a future occasion to seek an interview with him respecting them.

RAWSON W. RAWSON,  
Chief Secretary.

KINGSTON, 21st of September, 1842.

The Honourable William Henry Draper being, *ex-officio*, as Attorney-General, a Member of the Board of Trustees of Victoria College, the Reverend Doctor Ryerson sent to him a copy of his Inaugural Address. Mr. Draper replied on the 16th of September, 1842, stating that he was no longer Attorney-General, and, therefore, not a Member of the Board of Trustees.

I have to thank you for your Letter of the 10th instant, and for the Address, which I have perused with much satisfaction.

The Law Society of Upper Canada, by appointing a well qualified Examiner last Term, will, I trust, forward your views as to the education which should precede the study of the Legal profession. By the recent changes which have taken place I have no longer the right to visit Victoria College officially; but trust that I may be favoured with an opportunity of doing so in my private capacity.

KINGSTON, 16th of September, 1842.

W. H. DRAPER.

To this Letter Doctor Ryerson replied on the 8th of October, 1842, expressing his deep regret at Mr. Draper's retirement, and then added the following:—

In regard to the Address which I have solicited you to deliver at the opening of the next Session of our College, I desire to state that you will of course make it long or short, as you like, although I should like to have it long. It is my intention to get, if possible, some gentleman of high public standing and literary talent to deliver an address at the commencement of each Collegiate year. I think that such addresses will have a salutary influence upon the tastes and feelings and ambition of the students: and the notices and publication of them in the public prints



will tend to elevate the standard of the public taste, and will, I think, be useful to public men themselves. I shall be gratified, and I am sure good will ensue, from your appearing before the public in a somewhat new character.

EGERTON RYERSON.

VICTORIA COLLEGE, COBOURG, 8th of October, 1842.

To this Letter of Doctor Ryerson, Mr. Draper replied as follows:—

I feel that, consistently with my professional engagements, at the different Assizes, (which are now of paramount importance to me), I cannot prepare an address so as to do justice to your request. If it involved only the attendance on the day, I would cheerfully make some sacrifice to accomplish it; but there is more; for I would wish, if I undertook the task, to perform it well, and try to approximate the favourable expectations of those who are willing to entrust it to me. For this end, I cannot devote time enough out of the short interval between this and the latest day named by you.

Accept my assurance that I feel reluctant in declining your proposal. The compliment it conveyed was highly gratifying to me under existing circumstances; and I should have felt sincere pleasure in exerting my humble abilities in favour of an Institution, to which, when I had fuller opportunities, I had endeavored to be of use.\*

W. H. DRAPER.

KINGSTON, 10th of October, 1842.

Doctor Foster, a Member of the Legislature from Lower Canada, having evinced a strong desire to aid Victoria College in obtaining a Legislative Grant, Doctor Ryerson, as an acknowledgment, sent him a copy of his Inaugural Address. Doctor Foster replied as follows:

I feel very thankful to you for sending to me your beautiful Inaugural Address, delivered at the opening of Victoria College, and I feel it my duty, both as it regards yourself and the public, most candidly to remark, that if ever I read an address upon the subject of Education, which perfectly coincided with my own views upon that subject, it certainly is the one you have been pleased to send to me. And be assured, that while I hold a seat in the Legislative Halls of Canada, I will most cheerfully do all in my power to promote and support yours and other similar Institutions.

STEPHEN SEWELL FOSTER, M. D.

KINGSTON, 16th of September, 1842.

In reply to a Letter from Doctor Ryerson, Mr. John P. Roblin, M. P. P., for Prince Edward District, replied as follows:

I shall use my best endeavors to get as much aid for Victoria College as can be obtained. I am perfectly aware that the means for carrying on the operations of the Institution are very limited, but I hope that you may be, to some extent, relieved from the anxiety which must necessarily rest upon you while the funds of the Institution are so embarrassed.

KINGSTON, September 16, 1842.

JOHN P. ROBLIN.

The following is an Extract from the Annual Address of the Wesleyan Methodist Conference in 1842:

As a most important auxiliary in the operations of our Church, as well as a precious boon to many youth of this Province, it affords us peculiar pleasure to refer to the successful operations of the Academical Institution which you have so nobly contributed to establish. By the Christian liberality of the Government, and the enlightened patriotism of the Legislature, it has been assisted and incorporated under the name and style of "Victoria College," with the usual powers and privileges of a College; thus providing for our youth, within their own native or adopted country, all the facilities of both a liberal and English education.

\* Mr. Draper here refers to his efforts to aid the Trustees of Victoria College to obtain a Legislative Grant for the College in 1837, when it was Upper Canada Academy. An exhaustive Report in favour of the Grant was drawn up and signed by Mr. Draper. (See pages 52-44 of the Third Volume of this Documentary History.)

## CHAPTER XIX.

## UNPOPULARITY OF THE FIRST COMMON SCHOOL BILL OF 1841.

The Common School Bill of 1841 was drawn up by an unskilled, but not an unskilful, hand, and altogether on the crude lines of such theoretical writers on Education as,—Doctor Charles Duncombe and Messieurs Christopher Dunkin and Charles Mondelet, who had, previously no personal knowledge or experience of the subject on which they wrote.

Neither the Author,—the Honourable Solicitor General Day,—nor the Writers mentioned, had any experimental knowledge of the educational wants of a rural community, and, therefore, but few of the exigences of local management and administration were provided for in the Bill. The consequences were that it entirely failed to meet the case of the rural communities whose wants and circumstances it was intended to meet. Besides, the Bill itself, in the crude form in which it was introduced, was referred to a large General Committee of the House of Assembly, whose knowledge and experience of the subject was on a par, or even below it, with that of the theorists who had projected it.

Sir Francis Hincks, who, in 1843, introduced the Common School Bill of that year, and which was intended to supercede the Bill of 1841, so far as Upper Canada was concerned, thus speaks of that Bill, in the "Reminiscences" of his "Public Life." He said, (in 1843):—

No one is more sensible than I am of the defects of the late Common School Law of 1841,—so great indeed were they, that it has been found impossible to work it.

The late Common School Law was not framed by any Ministry, responsible, or otherwise ; it was hastily put together [and referred to] a Select Committee of the House of Assembly, consisting of [twenty-three members—fifteen from Lower Canada and eight from Upper Canada]; and [was passed] without the deliberation and care which such a measure ought to have received.

The following Report of the Education Committee of the Home District Council, prepared in February, 1842, so fully points out the defects of the Common School Act of 1841, that it was felt by the Government of 1843 necessary to repeal it so far as each of the Provinces of Upper and Lower Canada were concerned, and enact an entirely new measure for each of the Provinces in its place. That for Upper Canada was entrusted to the Honourable Francis Hincks : and that for Lower Canada to the Honourable A. N. Morin. The following is a copy of the Report of Standing Committee on Education of the Home District Council, which was drawn up by Mr. John William Gamble, a gentleman of large

experience, who was Chairman of the Committee of the District Council, in February, 1842 :—

The Standing Committee upon Education of the Home District Council beg to report :—

That they have duly considered the Act passed during the last Session of the Provincial Legislature, “for the Establishment and Maintenance of Common Schools,” and have had before them the Councillors from the several Townships of the District, with a view to obtain the information necessary to the properly dividing of the several Townships into School Districts.

That from the best calculation (of the data within their reach), which they have been enabled to make, they are of opinion, that the total number of children within the District, between the ages of five and sixteen years, will be found to be about 20,000.

That the number of School Districts into which it will be necessary to divide the several Townships will be, in round numbers, about 400.

That the number of School-Houses now built, and which may be available is 239,—leaving 161 to be constructed.

That in forming the Townships into the requisite number of School Districts, the division which, upon first sight, would appear most advisable,—namely, that of square blocks, containing, as nearly as possible, an equal number of acres and cannot now be made, in consequence of the large quantity of wild land in many of the Townships, and of the large streams and marshes yet unbridged in others, and the site of the present School Houses in all. They are, therefore, of opinion that the division should be made with the object of retaining the School Houses now occupied, in situations as nearly central as possible, and with a view to the means of access to the same, afforded by the roads now opened.

Had it been imperative upon the Council, and had the time been sufficient to make the division during the present session of the Council, the several Councillors are in possession of information, that would have enabled your Committee to effect that object in the greater number of Townships, but, as the Provincial Superintendent of Education is not required to apportion the Government grant before the third Monday in May, this precludes the Council from levying the rate required to entitle this District to its portion of the Grant during the present session, no object would be gained by that proceeding, which, by delaying it until its next meeting, and acting upon the suggestions of your Committee (should the Council see fit to adopt them), together with the additional information to be gained in the meantime, and which such—delay will place within our reach, the division may then be made in a manner more satisfactory to the people than could now be effected.

Another reason why the delay should take place is, that many of the plans laid before your Committee, have been arranged with the intention of union of Townships,—a course which is at variance with the Statute. To this matter the attention of your Committee has been particularly drawn by numerous petitions from persons residing near the boundaries of adjoining Townships, and it does appear that the School Act will bear hardly upon the inhabitants, wherever a School-House has been erected on the line between Townships, and a School has been established and supported by the people of both Townships. It does not appear, however, to your Committee that any relief can be afforded in these cases,—if the present School Act is to be followed ; These School Houses are generally situated in one, or other, of the Townships, and not between them,—consequently if half a School District was formed from each Township, one half would be obliged to contribute to its funds, while the School Commissioners of the other half would have the sole control of the School,—a proceeding at variance with both the spirit and letter of the School Act itself.

In two instances it has been proposed to divide a Township into thirty-five, or thirty-six, Districts,—a number in the opinion of your Committee, altogether too great. Several desire no more than twenty ; but it would be advisable, in making this division, not to permit that number in any instance to be exceeded.

The probable revenue which will be derived, under the present School Act, may be estimated as follows, videlicet ;—

Twenty thousand children, between the ages of five and sixteen, supposing a tax of 15s. per annum to be collected on one half of them,—a large allowance, after deducting the expense of collection,—it would leave the net sum of £6,000. To this sum, add the Government Grant,—



say £1,500, and an additional rate of  $\frac{1}{2}$ d. in the Pound, (to entitle the District to the same), £1,500 more will make, in all £9,000. This divided among four hundred Schools gives the revenue of £22 10s. to each,—a very inadequate remuneration for the services of a competent Teacher.

Your Committee recommend that the inhabitants of the Home District, generally, should be made aware that there is little reason to suppose that the Council can be in a situation to apportion any available funds to the School Districts, before the commencement of the next year, (1843); and that, in the meantime, they should themselves make the best arrangements in their power to keep their Schools in operation.

The Committee recommend that in dividing the Townships into School Districts, the number in each Township be not permitted to exceed twenty; and, that these divisions be made, so as to leave the present School Houses as central as possible; and that an union of Townships be abandoned as repugnant to the present Statute.

Your Committee, after giving the subject all the attention that the time will admit of, are of the opinion that insuperable difficulties will present themselves, whenever the trial is made to carry out the provisions of the Common School Act of last year (1841). The Treasurer will be required to open four hundred accounts with the different School Districts; twenty assessment rolls will be wanted for every Township having as many School Districts; the amount of the assessment can never be fully collected; and the loss sustained in each School District must be deducted from the roll of that District. The mode of collecting the tax, imposed in lieu of fees for tuition, will be found to involve endless trouble and vexation; and the tribunal, before which defaulters are to be prosecuted, will entail additional expense and delay.

The giving of the whole control of these Schools to the Commissioners, without laying down any uniform system of proceeding for their guidance, is open to serious objections.

The duty of inspecting the schools your Committee fear, will be inadequately performed; and while the direct tax will be severely felt, the remuneration to the Teachers, derived from that source, will be insufficient.

On the whole, your Committee do not hesitate to pronounce the Act as objectionable in principle, complicated in detail, and altogether inefficient for the attainment of the desired object; and they cannot but express their regret, that a measure, so deeply affecting the whole community, so intimately connected with its welfare, and from which so much had been hoped, should not have been more maturely considered, ere it became the law of the land.

The District Treasurer has received the following Letter from the Assistant Provincial Secretary, in regard to the School Grant to the District for 1841:

The Governor General having reason to suppose that a misapprehension exists in some of the Districts of the upper part of the Province, with reference to the Common School money for 1841, and having been informed that in some instances it has not been applied for, under the supposition that the usual annual appropriation was not made for that year, has thought it proper to direct me to notify to the Treasurers of the districts, who have not received it, that an appropriation was made by the last session of the Legislature.

As it appears from the Inspector General's report, that the Home District has not yet received its proportion of that appropriation, I am to acquaint you that the amount, £750, will be payable to the Treasurer on his applying in the usual manner.

I am to add, that, as the Act of last session does not affect the grant for 1841, the amount ought to be distributed by the members of the late Board of Education as formerly.

All which is respectfully submitted.

J. W. GAMBLE, Chairman.

COMMITTEE ROOM, TORONTO, 12th of February, 1842.

THE SCHOOL ACT OF 1841, IN MARKHAM.—At a meeting held in the Township of Markham, on the 16th January, 1842, on the subject of Education, it was

*Resolved*, that the present system of Common School Education is miserably deficient, and that the new Common School Act of 1841 holds out little, or no hope of improvement, inasmuch as it neither provides a supply of educated men for teachers, a uniform system of education, nor adequate means for the support of the Schools, when established.

We are glad that the people begin to discover that this new Act is one of the clumsiest and worst contrived pieces of machinery ever put together by parliamentary carpentering. No sensible person, we should suppose, would have anything to do in attempting to carry it out. The system devised by it is so complicated and absurd,—so devoid of uniformity,—and places power in so many and such incompetent and irresponsible hands, that, in a very few months, we anticipate that the Legislature will be petitioned for its repeal. It was a hasty measure, feebly conceived, and, except for the endowment of £50,000 per annum and the provision in the eleventh clause, it has scarcely a single practical, or useful, provision. We have already heard of one Township where the first act of one of the newly elected School Commissioners was to set about the introduction of American School Books. . . . Let us hope that the Members of our Church are reserving their energies to secure for their children a system of education, based on the principles of the Bible, as held and taught by the Church.

## CHAPTER XX.

### EDUCATIONAL PROCEEDINGS OF THE LEGISLATURE OF CANADA, IN 1843.

The third Session of the First Parliament of the Province of Canada was opened on the twenty-eighth day of September, 1843, by Sir Charles Metcalfe, who had succeeded the late Sir Charles Bagot as Governor General of British North America. In his Speech from the Throne the only reference he made to the subject of Education was that:—

Measures will be submitted to you for the improvement . . . of the Municipal Institutions, the Laws relating to Education . . . of both Divisions of the United Province . . .

*October 2d, 1843.*—A petition was read of the District of Simcoe, praying for amendments to the . . . Common School Act.

*October 4th, 1843.*—Petitions were read from Teachers in the Township of Bathurst, praying that the Bathurst District Treasurer be authorized to divide the money in fund for School purposes; also from the Inhabitants of the Townships of Oro and Ramsay, praying for the repeal of the Common School Act, and the renewal of the Laws formerly regulating Schools; also from the Johnstown District Council praying that 25,000 acres of Land may be appropriated by Law for the further endowment of the District Grammar Schools in Upper Canada.

*October 5th, 1843.*—A motion was made by the Honourable John Neilson to appoint a Standing Committee on "Education and Schools"; but on motion of the Honourable Attorney General Baldwin, the House refused to appoint such a Committee.

*October 6th, 1843.*—The Honourable Francis Hincks, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the following detailed statement of the affairs of King's College; and also of Upper Canada College, for the years 1839, 1840, 1841 and 1842, (in terms of an Address from the House of Assembly of the late Province of Upper Canada, to Sir George Arthur, on the 29th of April, 1839,) accompanied by a Letter from Doctor Henry Boys, Bursar, King's College, to Mr. James Hopkirk, Assistant Secretary, West, dated the 20th of May, 1843.

I have the honour to acknowledge your Letter of the 1st instant, requesting me, by command of the Governor General, to furnish, for His Excellency's information, a statement of the affairs of the University of King's College; and, also, of Upper Canada College, for the years 1839, 1840, 1841 and 1842, containing a detailed account of the amount paid for tuition fees in

Upper Canada College, the number of pupils, and the number, if any, educated gratuitously ; also, the amount paid at the Boarding House, and a statement of the arrears due, if any, with the names of the parties indebted to the College.

In obedience to His Excellency the Governor General's commands, I have the honour to transmit eleven Returns, embracing I believe, all the points of information required. . . .

In respect to the Return Number 4, on the claim of King's College to the arrears of the Royal grant [made in 1828], in aid of the Building Fund, I beg to observe, that Lord Sydenham proposed to take up this subject ; but the great press of business at the time interfered to direct his attention from a matter of such minor importance. To the justice of this claim, which was only postponed till the College Buildings should be in progress, I desire respectfully to draw His Excellency, the Governor-General's attention. A large portion of the Edifice for the purposes of the University, is being erected, and the payment of so large a sum would prove a seasonable relief to the funds of the Institution, and would, at the same time, be carrying into effect the Gracious intentions of His late Majesty King George the Fourth, our revered Founder.

TORONTO, 20th of May, 1843.

H. BOYS, Bursar of King's College.

*Number One : State of the Endowment of King's College on the 31st December, 1842.*

	Acres.
Original Royal endowment in Land . . . . .	225,944
Number of Acres Sold . . . . .	110,610
Balance of Land Endowment remaining in hand . . . . .	115,334
	Acres.
Of this remainder there were on lease . . . . .	95,134
Still unoccupied . . . . .	20,000
	115,324

*Particulars of the Original Land Endowment Sold in each Year since 1828.*

Year.	No. of Sales.	Acres Sold.	Proceeds.	Average per acre.
			£ s. d.	s. d.
1828 . . . . .	21	3,067	3,656 10 0	33 10
1829 . . . . .	93	11,863	12,994 5 0	21 11
1830 . . . . .	59	8,670	9,492 0 0	21 1
1831 . . . . .	65	8,331	9,449 7 6	22 8
1832 . . . . .	75	8,881	9,905 15 0	22 4
*1833(very large emigration this year)	110	13,568	15,790 10 0	23 3
1834 . . . . .	67	7,642	8,231 12 6	23 5
1835 (A party of Germans settled in Wilmot) . . . . .	125	18,088	14,488 0 0	16 0
	47	4,985	5,754 5 0	23 1
1836 . . . . .	53	6,132	7,190 7 3	23 4
1837 . . . . .	20	2,454	3,104 10 0	25 3 <sup>1</sup> / <sub>2</sub>
1838 . . . . .	40	4,358	5,770 2 6	26 5 <sup>1</sup> / <sub>2</sub>
1839 } Sales suspended during these	3	350	318 15 0	18 2 <sup>1</sup> / <sub>2</sub>
1840 } two years . . . . .	46	4,717	2,167 11 3	30 4 <sup>1</sup> / <sub>2</sub>
1841 . . . . .	75	7,504	11,995 16 6	31 11 <sup>1</sup> / <sub>2</sub>
1842 . . . . .				
	909	110,610	125,809 8 6	29 9

Proceeds of these aggregate Sales . . . . .	£125,869 8 6
Amount collected on these Sales, (See Return Number 2) . . . . .	74,061 15 10
Balance of Amount outstanding . . . . .	£51,747 12 8



*Number Two: Statement of the receipts and disbursements of King's College, from the foundation thereof, to the 31st day of December, 1842.*

Receipts during the Fourteen Years.	Amount Received.	Disbursements during the Fourteen years.	Amount Disbursed.
	£ s. d.		£ s. d.
Four and a half years' receipts of the Royal Grant of £1,000 per annum.....	4,999 19 9	Assistance given to Upper Canada College in the fourteen years.....	30,130 5 4½*
Proceeds of land sold, and amount collected during the Fourteen years.....	74,061 15 10	Purchase of the Site of the University and of the College Avenue and grounds, with improvements made during the fourteen years.....	13,148 1 9
Interest on ditto, received ....	25,580 3 3	Cost of Management and incidental expenses incurred during the fourteen years .....	14,787 15 2½
Rents on Land leased.....	16,887 18 4	University Buildings and outfit, etectera .....	8,731 10 5
Temporary accommodation from the Bank of Upper Canada..	4,200 0 0		76,797 11 9
		Balance accounted for below....	48,932 5 5
	£125,729 17 2		£125,729 17 2

Detailed Particulars of the above Balance.	£ s. d.
Purchase of public Debentures, amounting to £38,181 15s. 2d., placed in the Bank of U. C. for management and safe custody .....	37,896 12 1
Stock of the Bank of Upper Canada .....	250 0 0
Stock of the Gore Bank .....	187 10 0
Invested in land.....	5,919 3 11
Invested on Mortgage.....	3,698 6 1
Cash balance in the Bank of Upper Canada.....	930 3 11
“ in the Bursar's hands .....	50 9 3
Error .....	0 0 2
	£48,932 5 5

\*This sum, if charged with interest, would exceed £60,000; and, to that amount, the funds of King's College have been diminished by the assistance afforded to Upper Canada College.—H. B.

Number Three: Statement of annual expenses of the Bursar's Office.

Salary of the Bursar .....	£408	0	0
Salary of the First Clerk .....	175	0	0
Salary of the Second Clerk .....	150	0	0
Salary of an Extra Clerk .....	136	17	6
Messenger's Wages.....	50	0	0
Various sundries, (say).....	288	2	6
About .....	£1,206	0	0

Number Four: The Royal Grant of £1,000 sterling in aid of the Building fund.

NOTE. — The particulars respecting this grant are given in the proceedings of the College Council, at a Meeting of the Council held on the 29th of January, 1840, at which meeting, His Excellency Lord Sydenham presided as Chancellor. A copy of these proceedings and of the Letter on the subject written by order of the Council to Lord Sydenham's Secretary will be found on page 300 of the Third Volume of this Documentary History.

Number Five: Statement of the Endowment of Upper Canada College on the 31st December, 1842.

	Acres.
By original Grant, dated on the 16th of November, 1832.....	20,0 0
By Grant dated on the 4th of July, 1834 .....	1,080
By Grant dated on the 16th of May, 1835 .....	42,188
	63,268
Of this endowment and land Grants there was sold .....	19,5. 6½
Endowment of land Grants on lease and unoccupied .....	43,691½

NOTE.— Upper Canada College was also endowed by grant with Block A, in Toronto, called "Russell Square," the site of the College, containing nine acres; likewise with Block B, in Toronto, containing five and a half acres, divided into thirty-six building lots. (See pages 287 and 294 of the First Volume of this Documentary History, pages 131 and 168 of the Second Volume, and pages 9, 11, 212 and 303 of the Third Volume of this History.)

Particulars of the Sales of the Original Land Endowment of Upper Canada College.

Sales during the years.	Acres sold.	Proceeds.	Average per acre.
		£ s. d.	s d.
Two sales during the year 1832 .....	200	140 0 0	14 0
Five sales during the year 1833 .....	697	613 10 0	17 7½
Fifteen sales during the year 1834 .....	2,280	1,830 0 0	16 0½
Eighteen sales during the year 1835 .....	1,304	941 10 0	14 5½
Ten sales during the year 1836 .....	682	626 2 6	18 4½
Seven sales during the year 1837 .....	800	700 0 0	17 6
Nine sales during the year 1838 .....	908	937 0 0	20 7½
One hundred and seven sales during the year 1839 .....	11,502	8,210 5 0	14 3½
One sale during the year 1840 ) Sales suspended.....	{ 100	{ 75 0 0	{ 15 0
One sale during the year 1841 )	{ 100	{ 75 0 0	{ 15 0
Eleven sales during the year 1842.....	1,003½	1,168 17 6	23 3½
One hundred and eighty-six sales in twelve years.....	19,576½	£15,317 5 0	15 7½

*Number Six: Statement of the Receipts and Disbursements of Upper Canada College from the foundation thereof to the 31st day of December, 1842.*

Receipts in the fourteen years.	Amount.	Disbursements during fourteen years	Amount.
	£ s d.		£ s d.
Grants from the Crown during fourteen years.	10,877 14 8	For buildings and ground . . . . .	18,215 6 8
College dues collected in fourteen years . . . . .	18,925 17 11	School-masters: Salaries, books, stationery, exhibitions, prizes . . . . .	47,365 18 3
Sales of lands in fourteen years . . . . .	8,881 0 7	Boarding-house . . . . .	9,159 17 11
Sales of town lots in fourteen years . . . . .	1,303 12 11	Contingencies: Insurance, law expenses, furniture, wood, and all other incidentals . . . . .	4,562 12 0
Rents in fourteen years.	313 13 3	A sum charged to the late Bursar, who had omitted to bring it to account, included on the other side under sales of land and rents . . . . .	83 17 6
Interest " " . . . . .	1,310 12 5		
Assistance from King's College for fourteen years . . . . .	40,121 6 10		
		Balance invested . . . . .	79,387 12 4
			2,356 6 3
	81,743 18 7		£81,743 18 7

*Number Seven: Particulars of the Annual Charges of the Establishment.*

	£ s d.
Salaries of the Principal and Masters . . . . .	3,084 8 0
Exhibitions . . . . .	102 0 0
Prizes . . . . . say	80 0 0
Stationery . . . . . say	100 0 0
Repairs . . . . . say	100 0 0
Insurances . . . . .	72 0 0
Labor on the grounds . . . . . say	50 0 0
Wood and other contingencies . . . . . say	411 12 0
About . . . . .	£4,000 0 0

*Number Eight: Particulars of the School of Upper Canada College for the Years 1839-42.*

Year.	Quarter.	Number of pupils.			Total.
		Day boys	Boarders	Free Scholars.	
1839 . . . . .	First . . . . .	112	37	3	152
	Second . . . . .	105	46	3	154
	Third . . . . .	104	53	1	158
	Fourth . . . . .	111	58	1	170
1840 . . . . .	First . . . . .	106	59	1	136
	Second . . . . .	102	62	1	165
	Third . . . . .	94	49	1	144
	Fourth . . . . .	79	49	1	129
1841 . . . . .	First . . . . .	80	50	1	131
	Second . . . . .	80	54	1	135
	Third . . . . .	84	52	1	137
	Fourth . . . . .	78	50	1	129
1842 . . . . .	First . . . . .	95	55	3	153
	Second . . . . .	95	57	4	156
	Third . . . . .	93	56	4	153
	Fourth . . . . .	105	59	4	168



Number Nine: College Dues for the years 1839-42, collected from the Returns of Mr. Duffy, Mr. Cosens and Mr. Rowsell.

Year.	Tuition.		Boarding-house.		Books.		Ornamental drawing.		Hebrew and German.		Total.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
1839 . . . .	1,154	5 0	1,038	16 8	411	11 8	10	0 0	None.		2,614	13 4
1840 . . . .	1,205	5 0	1,210	7 6	397	18 2	44	0 0	"		2,857	10 8
1841 . . . .	1,000	10 0	1,176	17 6	361	18 8	44	0 0	"		2,583	6 2
1842 . . . .	1,167	5 0	1,360	10 0	495	1 11	None.		27	15 0	3,050	11 11
	4,527	5 0	4,786	11 8	1,666	10 5	98	0 0	27	15 0	11,106	2 1

Number Ten: Assets of King's College, including Upper Canada College.

	£	s.	d.
Cash and profitable investments . . . . .	49,044	18	4
Outstanding proceeds of lands sold . . . . .	61,084	9	2
Rents in arrear (£16,798 0s. 6d.) ; take about . . . . .	8,400	0	0
Interest in arrear . . . . .	18,000	0	0
College dues in arrear (£6,402 0s. 4d.) ; take about . . . . .	5,000	0	0
Lands under lease, 101,050 acres, taken at 22s. per acre . . . . .	113,656	5	0
Lands unoccupied, 57,975½ acres, taken at 15s. per acre (at present unprofitable) . . . . .	43,481	5	0
Buildings and Grounds: Site of the University, Avenue and improvements, with £6,000 already paid toward the new Building, at present unprofitable, £18,000 ; Grounds and Buildings of Upper Canada College, unprofitable, except as saving rent of premises, £18,000 . . . . .	36,000	0	0
Block D, north of St. James' Church, in Toronto, mostly sold ; what remains may be valued at . . . . .	1,000	0	0
	£335,666	17	6

(NOTE.—The remainder of these voluminous statements deal with details. They can be seen in Appendix J of the Journals of the House of Assembly for 1843.)

October 12th, 1843.—The Honourable Dominick Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, the Return to an Address of the Legislative Assembly, bearing date the 6th October, 1842, praying for information in regard to the several Institutions of Education in Upper Canada receiving grants of the public money.

No. of Return.	Name of Institution.	Date of Return.	Remarks.
	Upper Canada College . . . . .		No Return.
24	Victoria College . . . . .	30th of January, 1843.	
25	Queen's College . . . . .	6th of January, 1843.	The Reverend Doctor Liddell has not adhered to the form of Return sent to him, for reasons explained in his Letter.
26	Central School, Toronto . . . . .	24th of January, 1843.	

No. of Return.	Name of Institution.	Date of Return.	Remarks.
27	Eastern District Grammar School .....		No Return.
	Ottawa " " .....	2nd of January, 1843.	
	Dalhousie " " .....		No Return. The Trustees of this school were not appointed until after the circular was issued.
	Bathurst " " .....		No Return.
23	Johnstown " " .....	23rd of December, 1842.	
29	Midland " " .....	20th of January, 1843.	
30	Victoria " " .....	3rd of January, 1843.	
31	Prince Edward " " .....	3rd of January, 1843.	
32	Newcastle District " " .....	10th of January, 1843.	
	Colborne " " .....		No Return.
33	Home " " .....	31st of December, 1842.	
	Simcoe " " .....		No Return. The Trustees of this School were not appointed until after the circular was issued.
34	Niagara " " .....	18th of January, 1843.	
35	Gore " " .....	16th of January, 1843.	
36	Wellington " " .....	16th of January, 1843.	
	Brook " " .....		No Return.
37	Talbot " " .....	30th of December, 1842.	
38	London " " .....	3rd of January, 1843.	
39	Huron " " .....	10th of January, 1843.	
40	Western " " .....	31st of December, 1842.	

EDUCATIONAL PROCEEDING OF THE HOUSE OF ASSEMBLY, 1843.—*Continued.*

On the motion of the Honourable Robert Baldwin, Attorney General, seconded by the Honourable Francis Hincks, and

*Resolved*, That this House, now resolve itself into a Committee of the Whole House, to consider the expediency of amending certain Acts of the Parliament of the late Province of Upper Canada, relative to King's College, and the other Collegiate Institutions of that part of this Province.

The Honourable Robert Baldwin having moved, that the House resolve itself into a Committee of the Whole, to take into consideration the expediency of amending the laws of King's College, and other collegiate Institutions said, that the principle he intended to carry out was, to confine the University powers to one Institution; to incorporate the other three Colleges—Queen's, Victoria, and Regiopolis, with it, and establish such a system of government that all would have a share; to take away from the University its denominational character, if he might use the term, which had been so loudly complained of.

Doctor W. Dunlop said that he rose most willingly to second the motion. He concurred in the views now stated, and would, therefore, lend his assistance most willingly to improve and liberalize the University, as far as possible.

The Honourable Henry Sherwood thought the course pursued by Government towards that Institution was most unjust; a course which, instead of promoting tranquility, would be a precedent to interfere with other Institutions in the Lower Province.

The Honourable T. C. Aylwin would set the honourable gentleman right in this respect. There were no Colleges in the Lower Province upon the same footing as the University at Toronto; those in the Lower Province were founded by private grants, but King's College was founded by a public one.

The House, accordingly resolved itself into the said Committee. Mr. Elmes Steele took the chair of the Committee, and, after some time spent therein, Mr. Speaker took the Chair; and Mr. Steele reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table and agreed to by the House, and is as followeth:—

*Resolved*, That it is expedient to amend certain Acts of the Provincial Parliament of Upper Canada, relating to King's College, and the other Collegiate Institutions of that part of this Province.

*Ordered*, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill to provide for the separate exercise of the Collegiate and University Functions of the College, established at the City of Toronto, in Upper Canada, for incorporating certain other Colleges and Collegiate Institutions of that Division of the Province, with the University, and for the more efficient establishment and satisfactory Government of the same. He accordingly presented the said Bill to the House, and the same was received and read for the first time, and

*Ordered* that it be read a second time on Monday, the sixth of November, next.

*October 16th, 1843.* Petitions of Mr. John Goodwin and others, members of the Baptist Church at Beamsville, in the District of Niagara, and of the Canada Baptist Union, was read, praying that the benefits of the University of King's College be not confined to one religious denomination only; but be extended to all classes of Her Majesty's subjects. On the 18th of October a Petition, to the same effect, of Mr. Jacob Beam and others, inhabitants of the townships of Clinton and Grimsby, in the District of Niagara, was read.

*October 18th, 1843.* A Petition of the Municipal Council of the District of Wellington, was read, praying for certain amendments to the Common School Act.

*October 19th, 1843.* On motion of the Honourable A. N. Morin, seconded by the Honourable Mr. Attorney General Baldwin, and

*Resolved*. That this House will, on Monday next, resolve itself into a Committee of the Whole House, to consider the expediency of repealing the Act of the Parliament of the Province passed in the Fourth and Fifth years of Her Majesty's reign, intitled: "An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout the Province," and of substituting other provisions in lieu thereof for Lower Canada.

*October 23rd, 1843.* The Order of the Day for the House in Committee to consider the expediency of repealing the Act of the Parliament of this Province, passed in the Fourth and Fifth years of Her Majesty's reign, intitled: "An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout the Province" and of substituting other provisions in lieu thereof, being read, the House accordingly resolved itself into the said Committee. Mr. Israel W. Powell took the chair of the Committee, and, after some time spent therein, Mr. Speaker resumed the Chair. And Mr. Powell reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table, and agreed to be the House, and is as followeth:

*Resolved*, That it is expedient to repeal the Act passed in the first Session of the present Provincial Parliament, intitled: "An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout the Province.

*October 25th, 1843.* A Petition of Mr. William Millar and others of Port Sarnia, praying for certain amendments to the Charter of King's College was read.

*October 26th, 1843.* A Petition of Mr. William Fraser and others, inhabitants of Bredalbane, Glengarry, praying that the University of King's College may no longer be conducted on exclusive principles.

#### OPERATION OF THE COMMON SCHOOL ACT OF 1841, A FAILURE—PLAN OF THE GOVERNMENT TO GIVE EFFECT TO ITS FINANCIAL PROVISIONS.

I have already shown from the Report of the Education Committee of the Home District Council, in the last Chapter, how entirely the intelligent Members of that Committee had failed to carry out, either in their own neighbourhoods, or as a body of practical men in the District Council, the provisions of the Common School Act of 1841. Even when the District Councils generally had invoked the aid of the Provincial Government in carrying out the Act, the Government had felt itself unable to do so, or to give effect to the financial provisions of the Law under the conditions prescribed by the Statute. The Executive Council, having carefully



considered the whole matter, drew up a series of Orders-in-Council, designed to meet the case of each group of Districts, which had appealed to the Government for relief in the financial straits into which the Act of 1841 had brought them. The Governor General having approved of these Orders-in-Council, he communicated them to the House of Assembly in his Message to that House on the 25th of October, 1843. The Message of the Governor-General and the Orders-in-Council were laid before the House of Assembly by the Honourable A. N. Morin, a Member of the Executive Council, on the 26th day of October, 1843 :—

C. T. METCALF.

The Governor General informs the Legislative Assembly that, in consequence of the Ordinance of the Governor and Special Council of Lower Canada, intituled : “An Ordinance to provide for the better internal Government of this Province, by the establishment of Local, or Municipal, Authorities therein,” not having been generally carried into effect, it became impracticable to carry out literally the Act of the Parliament of this Province, intituled : “An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools,” and that, in Upper Canada also, the last mentioned Act has not been generally complied with, so as strictly to entitle many of the Districts to receive a share of the annual sum appropriated by the said Act for the Establishment and Maintenance of the Common Schools.

Under these circumstances, the Governor-General, with the advice of the Executive Council, directed a distribution of money in aid of the purposes for which the said appropriation was made, as nearly as possible in conformity with the spirit and intention of the said Act, for the year One thousand, Eight hundred and forty two, leaving a balance undistributed for that year in the hands of the Receiver General, and also leaving the whole sum appropriated for the year One thousand, Eight hundred and forty three, to be distributed according to such provisions as may be agreed upon in that behalf, by the several Branches of the Legislature.

The Governor General transmits to the Legislative Assembly, herewith, Copies of the several Minutes of Council under which the said distribution of the Common School money has been made, together with the accounts and other Documents explanatory of the course directed by him, as before mentioned.

TORONTO, 25th of October, 1843.

C. T. M.

*Number One : Report of a Committee of the Executive Council dated the 26th of December, 1842.*

*To His Excellency Sir Charles Bagot, Governor General of British North America :—*

Approved in Council on the 13th of January, 1843. C. B.	Report of a Committee of the Executive Council on the subject of the distribution of the appropriation of £50,000 for the Support of Common Schools in the Province of Canada. 1842.
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MAY IT PLEASE YOUR EXCELLENCY.

The Committee of the Executive Council has considered with much anxiety the difficult question of the distribution of the appropriation made by Parliament in the Session before the last of the Provincial Parliament, for the support of Common Schools. The Act intituled : “An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout the Province,” provides a sum of £50,000 currency to be distributed in the manner therein after provided.

The Act further provides for the appointment of a Provincial Superintendent of Education, whose duty it should be to apportion in each and every year, the money granted by the Legislature as aforesaid, among the several Municipal Districts, in the ratio of the number of children over five, and under sixteen, years of age, that should appear by the then last census of the Province to be resident within such District respectively.

The same Act further provides that the District Council of each District should be a Board of Education, and their duties, as such Board, should be to divide the several Townships and Parishes within their District into School districts, and to furnish a report of such division to the

Provincial Superintendent of Education, and also to apportion and distribute to each of the School districts its share of the School Fund proportioned to the number of children resident in such School district; also to cause to be assessed, on the inhabitants of each School district, sums of money for the erection of a School House, for the purchase of Books, and further, to report their proceedings in matters relating to Common Schools annually.

By the same Act it is further provided, that, if the District Council should, at any time, refuse, or neglect, to comply with the foregoing requirements, the District should not be entitled to receive any sum of money out of the School Fund until such requirements shall have been duly complied with, or a good and sufficient cause for non-compliance shall have been shewn to the satisfaction of the Provincial Superintendent of Education.

The Act further provides for the election of Common School Commissioners in each Township, whose duty it should be to acquire sites for Common School Houses, et cetera, to grant Warrants on the District Treasurers, to exonerate poor persons from payment of the Teachers, and to report annually to the District Council.

The Act further provides for the collection of the School Rates, and also of a Special Rate of one shilling and three pence monthly, as additional wages to the Masters. The same Act further provides that no Common School shall be entitled to any portion of the Fund, unless it shall have been open for at least nine months during the year then last past, and shall have been attended during that time by fifteen children, nor unless the reports required, as above stated, shall have been regularly made, and the sum paid by the Inhabitants by Assessment, or otherwise, towards the support of the School, shall have been at least equal to the sum apportioned.

And it is further provided that nothing in this Section of the Act contained, shall prevent the payment of monies under the said Act, towards the establishment and maintenance of any Common School for the first year after the passing of the Act.

It will be seen from the provisions of the Common School Act, that its operation depended mainly upon the successful working of the Act of the Parliament of Canada, intituled: "An Act for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local or Municipal authorities therein,"—and that where these laws have not been carried into effect, there can be no Common Schools coming strictly within the meaning of the Common School Act, and that, even when the same Laws have been but partially put in operation, and when all the requirements of the Common School Act have not been fully carried out, there can, according to strict law, be no appropriation from public funds in aid of Common Schools.

The Committee of Council think, after great consideration, that the intention of the Legislature will be carried out substantially by a distribution of the School Fund, and that a denial of such distribution, although in strict conformity with law, would be a contravention of its spirit and intention, and would amount to a visitation upon the rising generation of a species of penalty, for a fault, if it may be so termed, in which those who would suffer had no participation.

#### DIVISION OF THE COMMON SCHOOL GRANT OF £50,000 BETWEEN UPPER AND LOWER CANADA, 1842.

The Committee, therefore, respectfully recommend that the sum of Thirty Thousand pounds (£30,000), out of the sum of Fifty Thousand pounds (£50,000), appropriated as above, be reserved for Lower Canada, and that so much thereof be distributed in aid of such Schools as may be found on enquiry to be equitably entitled to, or had reason to expect, and that a Bill of Indemnity, to cover this expenditure be laid before Parliament at the next Session.

As regards Upper Canada, the Committee of Council find from the By-Laws and Reports before them, that the following District Councils have complied with the law, and levied the assessment required thereby: videlicet; Bathurst, Victoria, Newcastle, Home, Niagara, Gore and Talbot. But it appears that hitherto there has been no census of the population shewing the numbers of children resident in each District, and consequently the proportions required by the Common School Act cannot be ascertained.

The Committee would, therefore, recommend that the proportions of the population appearing by the Census of 1841 be taken as the rule of division. The Committee find that the Assistant Superintendent for Upper Canada has already adopted this rule, and the Committee think that, under the circumstances, it was the best within his reach.

The Committee, therefore, recommend that the sum of Twenty Thousand pounds (£20,000) be set apart for Upper Canada, and that a share of the same be distributed amongst the above seven Districts, according to their relative population. And further, that Warrants issue for the amount, as ascertained by the Assistant Superintendent, in favour of the respective District Treasurers.

The Committee further find that in the following Districts the division into School districts has been made, but no sums have been levied by assessment, the Common Schools therein continuing to be supported by voluntary fees upon tuition, with the expected aid from public funds, videlicet: The Ottawa District, the Eastern, Midland, Prince Edward, Colborne, Wellington, Brock, Huron, London and Western.

In these Districts many of the School districts have had no School in operation during the past year, and, therefore, no public money will be distributed for the past year, as respects these vacant School districts.

The Committee would, therefore, recommend that the sum of Twenty Thousand pounds, (£20,000,) aforesaid, be divided as appropriated for the Districts, according to their relative amounts of population, but that Warrants be issued in favour of the District Treasurers for amounts, in the proportion which the Schools reported to be in operation bear to the whole number of School districts, in each of the said Districts respectively. This will a sum of money equitably at the credit of each of the said Districts respectively, which may be expended, in addition to the grant for next year for Common School purposes, if Parliament shall see fit.

The Committee further find, that, in the following Districts, the District Councils have not complied with the Common School Act, either by setting off School districts, or by levying Assessments in aid of Common Schools, videlicet: The Johnstown and Dalhousie Districts

It is well known, however, that in these Districts a number of Common Schools have been in operation during the past year, supported by voluntary tuition fees, and by the expectation of public aid.

As regards these Districts, the Committee recommend that the School Money, in proportion of the population, be set apart, and that such sums be distributed for the Common Schools reported to have been in operation, as they would have been entitled to under the old Law, leaving the balance as equitably at the credit of the Districts, to be expended, in addition to the funds of next year, for Common School purposes, if the Legislature shall see fit.

All which is respectfully submitted.

KINGSTON, 26th of December, 1842.

R. B. SULLIVAN, Chairman.

*Number Two: Report of a Committee of the Executive Council, dated 3rd of March, 1843.*

*To His Excellency Sir Charles Bagot, Governor-General of British North America.*

Approved in Council, on the 16th of March, 1843.	C. B.	{ Report of a Committee of the Executive Council, on a Memorial from the Municipal Council of the District of Victoria.
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MAY IT PLEASE YOUR EXCELLENCY.

With reference to a Minute of Council, approved on the 13th of January, last, on the subject of the distribution of the Common School Fund, appropriated for the year 1842, and upon consideration of the Memorial of the Municipal Council of the District of Victoria, representing certain difficulties which have arisen in the distribution contemplated by the said Minute, the Committee of the Executive Council are respectfully of opinion.—

*First*, that the money appropriated from the general funds of the Province is distributable in respect of the services performed by Teachers in the year 1842, and should be distributed amongst the Teachers who have actually kept Schools open in the several Townships, the District Councils using their own discretion as to the distribution of money raised by local taxation.

*Second*, that in the distribution of the public money so appropriated in the District of Victoria, the Treasurer should be guided by the appropriation made by the District Council amongst the several Townships, and place the amount so appropriated at the credit of the said Townships respectively, and honour the Warrants of the School Commissioners to the amount so credited, leaving it to the School Commissioners to distribute the money amongst the Teachers of the year 1842, in such manner as they shall judge to be in just proportion to the time for which the Schools have been kept open, and to the average number of scholars who have attended.

*Third*, that the Treasurer should require separate Warrants for the money so appropriated, signed by a majority of the Commissioners, of whom the Chairman shall be one, which Warrants should have embodied therein, or attached thereto, a statement of the Teachers name, the time



for which his School shall have been kept open, and the average number of scholars instructed therein, and that no appropriation to a greater amount than Twenty-Five pounds, (£25,) should be credited, or paid, to any School district from the Provincial Fund.

If the District Council should be found not to have made such distribution among the several Townships, the Warden of the District, with the assistance of the Clerk, should, in the opinion of the Committee, make the distribution according to the census of the population under the age of sixteen, taken in the year 1841, and inform the Treasurer of the District of the distribution so made.

Mr. Secretary Harrison will communicate the substance of this Order to the Receiver and Inspector-General, and to the Treasurers and Wardens of the Districts for their information and guidance, and the regulation will apply to all Districts classed number one in Upper Canada, in the above mentioned Minute of Council.

All which is respectfully submitted.

KINGSTON, 3rd of March, 1843.

R. B. SULLIVAN, Chairman.

*Number Three: Report of a Committee of the Executive Council, dated 15th of April, 1843.*

*To His Excellency Sir Charles T. Metcalf, Governor-General of British North America.*

Approved in Council, on the 4th of April, 1843.	C. T. M.	{ Report of a Committee of the Executive Council, on an application from the Warden of the Midland District.
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MAY IT PLEASE YOUR EXCELLENCY.

The Committee of Council, having reference to a general Minute, on the subject of the distribution of the fund appropriated by Parliament in aid of the Common Schools, dated 13th of January last, and to a Minute on the same subject, relating to the distribution of the same fund, in the District of Victoria, dated the 16th of March last, have, in obedience to the commands of His Excellency, Sir Charles Bagot, considered the accompanying application from the Warden of the Midland District, setting forth, that, although the Municipal Council had not, in strict obedience to the Common School Act, assessed the sum required to be raised by local taxation, so as to entitle that District to a full proportion of the School Fund, yet that the inhabitants of the District had, by means of expenditure, provided by voluntary subscription, and by Township assessment, equitably entitled the District to a distribution on the same principles adopted, as respects the District of Victoria.

Your Excellency will perceive from a perusal of the above mentioned Minutes of Council, that the Common School Act, in consequence of the novelty of its provisions . . . as a strict compliance with the law, was not in the power of the Government, and that, to avoid the evil which the County would suffer, if the appropriation for the last year were withheld from distribution, a course has been adopted as nearly conformable to the spirit of the law, and the intentions of the Legislature, as circumstances would permit.

With the same object, the Committee, on consideration of the present application, are of opinion that the prayer of the Warden of the Midland District may be acceded to, and that the remaining portion of the sum of £1,129-16-7½, appropriated to the Midland District, be distributed on the same principles as those adopted for the District of Victoria.

All which is respectfully submitted.

KINGSTON, 1st of April, 1843.

R. B. SULLIVAN, Chairman.

*Ordered* That two hundred and fifty copies of the said Message of the Governor General and of the Documents accompanying the same, be printed in each of the English and French Languages, for the use of the Members of this House.

*Ordered*, That the Honourable A. N. Morin have leave to bring in a Bill to repeal the Act now in force for the Establishment and Maintenance of Common Schools, and to grant an indemnity for the payment of certain portions of the School moneys for the year 1842, etcetera.

NOTE.—This Bill went through the usual stages, and was passed by the House of Assembly. After it was amended by the Legislative Council, it was dropped by the House of Assembly, and a new Bill, with the same title and purpose, was introduced and finally passed by both Houses. (See Proceedings of the House of Assembly on the 2nd of December, 1843; page 243.)

*October 30th, 1843.*—A Petition of the Reverend Thomas Alexander and others, Members of the Presbyterian Church at Coburg, was read, praying for such alterations in the Charter of King's College as may better secure Theological Instruction to all Religious Denominations, and for the Incorporation of other Colleges therewith; also a Petition of Mr. J. H. Thompson and others of the Township of Brock, praying for certain amendments to the Common School Act.

*November 2nd, 1843.*—On motion it was —

*Resolved,* That the detailed statement of the affairs of King's College, and of Upper Canada College, for the years 1839-1842, laid before this House on the 6th of October last, be referred to a Special Committee of five Members, to report thereon with all convenient speed, and with power to send for persons, papers and records.

*Ordered,* That Messieurs Francis Hincks, David Thompson, John S. Cartwright, James Morris and John T. Williams do compose the said Committee.

*November 2nd and 4th, 1843.*—The Petitions of Mr. Jacob Price, of the Baptist Church at Louth, and others, were read, praying that the benefits of the University of King's College be extended equally to all classes of Her Majesty's Subjects; also the Petitions of Mr. Thomas Macdonald and others of Saint Catharines, Upper Canada, praying for certain amendments to the Charter of the University of King's College; also, on the 4th of November, the Petition of the Reverend Donald McKenzie, and others in the District of Brock, and of the Reverend Alexander C. McColl and others of Aldborough, to same effect.

*November 6th, 1843.*—A Petition was presented by Mr. John S. Cartwright, from the Right Reverend Doctor John Strachan, Lord Bishop of Toronto, against the King's College Bill, introduced on the 12th of October, by the Honourable Attorney General Baldwin. On motion of Mr. John S. Cartwright, seconded by Mr. John Prince it was

*Ordered,* That the last preceding Petition be now read, and that the Rule of this House of the 26th June, 1841, be dispensed with, as to the present Petition. The said Petition was read accordingly\*; also, pursuant to the Order of the Day, a Petition of Mr. W. T. Cameron and others, Inhabitants of the Town of Niagara and its vicinity, was read, praying for certain amendments to the Charter of the University of King's College; also of Mr. Hugh Urquhart and others, Inhabitants of the Town of Cornwall and its vicinity to the same effect; also of Mr. Thomas Webb and others, Members of the Baptist Congregation at Walpole, in the District of Niagara, praying that the benefits of the University of King's College at Toronto be extended equally to all classes of Her Majesty's subjects.

*November 7th, 1843.*—On motion it was —

*Ordered,* That the Order of the Day for the Second reading of the Bill to repeal the Act now in force for the Establishment and Maintenance of Common Schools, and to grant an indemnity for the payment of certain portions of the School moneys, etcetera, be postponed until Wednesday next.

*Ordered,* That the Order of the Day for the Second reading of the Bill to provide for the separate exercise of the Collegiate and University Functions of the College established at the City of Toronto, in Upper Canada; for incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University,—and for the more effectual establishment and satisfactory Government of the same be postponed until Thursday, the sixteenth instant.

*November 8th, 1843.*—Pursuant to the Order of the Day certain Petitions were read:—

Of the Council of King's College, Toronto; praying to be heard by Counsel at the Bar of the House, on the subject of the Bill for Incorporating certain other Colleges and Collegiate Institutions with the University of King's College; and in defence of their privileges, property and rights, in the said Institution.

Of the Reverend Alexander Gale and others, Inhabitants of the Town of Hamilton, praying for certain amendments to the Charter of the University of King's College; also of the Reverend David Black and others, praying that the benefits of the University of King's College be extended to all Religious Denominations.

On motion of the Honourable Henry Sherwood, seconded by Mr. John S. Cartwright it was—

*Ordered,* That the Council of King's College, at York, now Toronto, in that part of this Province formerly called Upper Canada, be, in pursuance of their Petition, heard by Counsel at the Bar of this House against a Bill intituled: "An Act to provide for the separate exercise of

\*By order of the House of Assembly 250, and afterwards 1,000, copies in English and 200 in French of this Petition were printed for the use of the Members of the House.

the Collegiate University Functions of the College established at the City of Toronto, in Upper Canada, for incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University; and for the more efficient establishment and satisfactory government of the same."

*November 13th, 1843.*—A Bill to repeal the Act now in force for the Establishment and Maintenance of Common Schools, and to grant an indemnity for the payment of certain portions of the School moneys, etcetera, having been read, it was—

*Ordered,* That the said Bill be referred to a Committee of the Whole House, to-morrow, and that it be then the first Order of the day.

*November 14th, 1843.*—The Order of the Day for the House in Committee on the Bill to repeal the Act now in force for the establishment and maintenance of Common Schools, and to grant an indemnity for the payment of certain portions of the School moneys, etcetera;

The House accordingly resolved itself into the said Committee. Mr. William Stewart took the chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Stewart reported that the Committee had gone through the Bill and had made several amendments thereto.

The Honourable Dominick Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, . . . . The Annual Report of the Assistant Superintendent of Education on Common Schools for the year 1842.

(NOTE.—It will be given in separate Chapter.)

*November 15th, 1843.*—A petition of Mr. G. R. Lounsbury and other Members of the Baptist Church and Congregation at Simcoe, in the District of Talbot, was read, praying that the benefits of King's College at Toronto be equally extended to all Religious Denominations.

*Ordered,* That the Order of the Day for the second reading of the Bill to provide for the separate exercise of the Collegiate and University Functions of the College established at the City of Toronto, in Upper Canada; for incorporating certain other Colleges, and Collegiate Institutions of that division of the Province with the University; and for the more efficient establishment and satisfactory government of the same, be postponed until Wednesday the twenty-second instant.

*November 16th, 1843.*—*Ordered,* That the Honourable Francis Hincks have leave to bring in a Bill to provide for the Establishment and Maintenance of Common Schools in that part of the Province called Upper Canada. He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next the

*November 17th, 1843.*—An engrossed Bill to repeal the Act now in force for the establishment and maintenance of Common Schools and to grant an indemnity for the payment of certain portions of the School moneys, etcetera, was read for the third time.

*Resolved,* That the said Bill do pass and the Title be: "An Act to repeal the Act now in force for the Establishment and Maintenance of Common Schools and to establish a Fund for the support of the same, etcetera."

*November 18th, 1843.*—The Honourable Attorney General Baldwin laid on the Table the Petition of Messieurs Henry A. Croft and William C. Gwynne, Professors of the University of King's College, setting forth:

That, by the original Charter, the Council of King's College was composed of nine Members, including the Chancellor, five of whom formed a quorum.

That the presiding Member was endowed with the power of voting upon all questions, in addition to giving the casting vote, in cases when an equality of votes existed on a division.

That your Petitioners are informed by the Bishop (as President), that it was intended that the Chancellor should preside upon all convenient occasions; consequently in him generally lay the power of exercising the privilege of giving the second, or casting vote.

That the Legislature, in the year 1837, deemed it expedient to increase the number of Members on the College Council, and by the amended Charter the Council was made to consist of twelve Members, five of whom are *ex officio* Members.

That by the recent Act uniting the two Provinces, changes have been effected which necessarily require the Chancellor and four of the *ex officio* Members to reside at a distance from Toronto, thereby virtually reducing the number of Members on the College Council to seven.

That the presiding Member, the Bishop, (as President) now wields the power conferred by the casting vote.



That, in addition to the President, there are, at present, two other Clergymen on the College Council, and the probabilities are that a third will be added in the person of the Principal of the Minor (or Upper Canada) College, should the vacancy now existing be filled up.

That the interests of the Episcopal Church will then be represented in a Council consisting of seven Members by five Clerical votes.

That your Petitioners are of opinion that such a preponderance cannot exist, on the side of any one interest, without seriously endangering the general welfare of the University.

Your Petitioners therefore pray that Your Honourable House will take these matters into your most serious consideration and adopt such measures as to your Honourable House may appear just and reasonable in the premises."

On motion of the Honourable Mr. Attorney General Baldwin, seconded by Mr. Malcolm Cameron, it was—

*Ordered*, That the last preceding Petition be now read, and that the Rule of this House of 28th June, 1841, be dispensed with as to the present Petition, and the said Petition was read accordingly. It was also—

*Ordered*, That Fourteen hundred copies of the said Petition be printed in the English language and Four hundred in the French, for the use of the Members of this House.

**NOTE.**—No action was taken by the House of Assembly on this Petition.

The following Petitions were read : Of Dugald Sinclair and others, Members of the Baptist Church and Congregation at Lobo, in the District of London, praying that the benefits of King's College, Toronto, be opened to all Religious Denominations ; also of George Miller and others, Inhabitants of the Township of Toronto and neighbourhood, praying that the Charter of King's College may be so amended, as to allow the erection of separate Colleges on the site of the University of the said College, for the advantage of different Religious Denominations.

*November 22nd, 1843.*—*Ordered* : That the Order of the day for the second reading of the Bill to provide for the separate exercise of the Collegiate and University Functions of the College established at the City of Toronto in Upper Canada ; for incorporating certain other Colleges and Collegiate Institutions of that division of the Province, with the University ; and for the more efficient establishment and satisfactory Government of the same be postponed until Friday next, the 24th instant, and that it then be the first Order of the day.

#### THE NEWLY REVISED UPPER CANADA COMMON SCHOOL BILL OF 1843.

*November 23rd, 1843.*—The Order of the day for the second reading of the Bill to provide for the Establishment and Maintenance of Common Schools in that part of the Province called Upper Canada being read, The said Bill was accordingly read, and committed to a Committee of the Whole House on Monday next.

On the Second reading of this Common School Bill for Upper Canada, the Honourable Francis Hincks took the opportunity of explaining the principles on which he had constructed this new Bill for Common Schools in Upper Canada, and in contrasting its provisions with those of the discarded Common School Bill of 1841, which, when passed, was made to apply to the whole of the then newly united Province of (Upper and Lower) Canada, but which was found, by experience, to be adapted to the wants of neither section of that Province.

Mr. Hincks' explanation was followed by remarks, on the character of the Bill, by Messieurs John Tucker Williams, Edmund Murney, John Neilson, John Philip Roblin, Marcus Child, Elmes Steele and the Honourable Robert Baldwin.

These remarks of the Members of the House of Assembly will be found to be highly interesting, from the fact that they were the expression of the opinions of the leading public men of fifty years ago on Common School matters.

On the second reading of the Common School Bill of 1843, Mr. Hincks said :—

That the objections to the late Bill of 1841 were, on account of its details, and not as to its principle.

As many people were unwilling to hear of any reference to the United States, he would remark, that the principle of the present Bill was the same as that of the measure which was carried out in Prussia. It was rather singular that a despotic, as well as republican, Government, (alluding to the United States,) should have united in the same plan for the purpose of general education.

The Government Grant was to induce parents to send their children to school, which, otherwise, they would not do. In New York a similar Bill had been in operation for years. Taking the State grant there, it amounted only to eleven pence for each scholar per annum. There was also a local tax of two shillings per scholar, and the parents had also to pay ten shillings per pupil :—this small sum of eleven pence for each scholar was, however, found to operate as a sufficient inducement :

Considering the position of this country, the public grant for this purpose of £50,000, from the Province of Canada was a truly munificent one, and amounted to two shillings and ten pence for each scholar. It would not be right that all the expense should fall upon the parents. The property of the country ought to bear its portion of the burthen. At the same time, neither would it be advantageous for the endowment to be much larger than it was.\* It was necessary to interest the public in this measure; and, the only way to do so, was to make them pay for it; very large endowments, as was shown in the case of Upper Canada College, often leading to abuse. The present Bill did away with those large Boards of Education provided by the former Bill of 1841, and substituted for them one Officer who would be appointed by the various District Councils. With these remarks, he trusted the House would support the motion to have the Bill read a second time.

Mr. John T. Williams approved of the Bill, with the exception of the School tax being made compulsory.

Mr. Edmund Murney said, that the former Bill (of 1841) was very unpopular, and that those, who had no children, did not understand why compulsory payment of rate should be imposed to support the children of other people. The old Bill gave the people a better control over the Teachers, and were the old system gone back to, it would be much more palatable to the Country at large.

Mr. John Neilson commended the Bill in general terms, and expressed himself happy to support it.

Mr. John P. Roblin approved of the principle of the Bill, but not altogether of its machinery. Those who found fault with the School tax, which it imposed upon property, ought to recollect, that it was a tax upon the rich, who could afford it, for the benefit of the poor; and yet the poor man paid his proportion also. But who, after all, is the most benefitted by the education of the poor? Was it not the rich man, whose position was enhanced by having an intelligent, orderly, population around him? Unless the tax were made compulsory, those who had no children would not contribute to it. One objection to the former Bill was, the mode of paying the Teachers. By the present Bill, however, the Teachers, as it might be agreed upon, could take payment "in kind." This was much required. With few exceptions, the Bill was a good one. He (Mr. Roblin), however, did not entirely approve of Normal Schools, but would like to see the higher Institutions of the country properly supported. He himself was as much opposed as any one to taxation; but when it was for the general good, the Representatives of the people should combat popular prejudices against it.

Were Libraries established in every locality, he thought they would be productive of much benefit. Indeed he (Mr. Roblin) was willing to incur the responsibility of measures for the general good, however popular opinion might be in a degree opposed to them.

Mr. Marcus Child would prefer a free system of Education altogether.

Mr. Elmes Steele highly approved of the principle of the Bill, but objected to compulsory taxation.—In his neighbourhood, the people were too impoverished already, to bear any more burthens in the shape of taxation.

The Honourable Robert Baldwin said, that, although the people were averse to the machinery of the old Bill, yet as a step in advance, they were grateful to the Government for having introduced it. The present measure was designed to obviate the objections to the former Bill.

\*In regard to the unwise over endowment of Common Schools, see page 16 of this volume, *ante*.

He admired the remarks of the Member for Prince Edward, (Mr. Roblin). They were those of a philosopher. It was the rich man who would be peculiarly benefitted by the people being educated. And surely, those who were so fortunate as to belong to that favoured class, could not be so narrow-minded, and so blind to their own interests, as to object to be taxed to effect this great and important object!

He would like to see Libraries established; but Normal Schools were of primary importance. Because the system in New York was a work of years, it was no reason why we should linger in our progress. We must benefit by the experience of others, and take from other Countries all the good measures we can. The public were, after all, only partly called upon to support the Schools. The Government Grant, large as it was, was only intended as a stimulus, and ought not to go beyond that. He was convinced that, when the measure was fully before the public, it would be generally approved of.

The Bill was then read a second time, and committed to the Whole House for Monday next.

### THE GENERAL COMMON SCHOOL ACT OF 1841, AND THE SPECIAL ACT OF 1843. (FOR UPPER CANADA), COMPARED.

In a speech delivered the Honourable Francis Hincks at a public dinner given to the Ex-Ministers of Sir Charles Metcalfe, during the latter part of 1843 he thus contrasted the General Common School Act of 1841, and the one of 1843—which had been prepared solely for Upper Canada:—He said:—

My worthy friend who proposed the toast has most justly observed that a sound system of education is eminently calculated to promote the peace, happiness, and prosperity of the Country. The subject is, indeed, a most comprehensive one, involving a system of elementary education for those who are unable to afford their children a better one; one of a superior kind at the Grammar Schools—and, finally, at the University, on which we must depend for the education of our professional men, in the higher branches of learning.

I shall first allude to our efforts in behalf of elementary education, in which the great mass of the people are most particularly interested. You must be well aware, gentlemen, that the Common School law, passed during the first session of the present Parliament, has been loudly condemned by our opponents.

No man is more sensible than I am of the defects of the late School Law, (of 1841); so great, indeed, were they, that it has been found impossible to work it. That . . . School Law was not framed by any Ministry, responsible, or otherwise; it was hastily put together in a Select Committee of the House of Assembly, consisting of [twenty-three] Members; without that deliberation and care which such a measure ought to have received.

How different is the case now? The School Law, passed during the Session of 1843, has received the utmost attention that could be bestowed upon it; and the greatest pains have been taken to make it suitable to the wants and wishes of the people. I know that among some people prejudices against it may exist; but I believe that, on mature reflection, those prejudices will be removed.

I would particularly refer to one class of our population, the natives of Scotland, who come from a Country blessed with a system of elementary education superior to what is to be found in any other part of Her Majesty's Dominions. The Parish Schools of Scotland, which have made that Country what it is, and which are the pride, and justly so, of every Scotchman, are supported by a tax upon property. The Scottish emigrant who comes to Canada expects to have education on a similar footing, but he does not reflect that, whereas, in Scotland, he was only a Tenant, in Canada, he is a Proprietor, and consequently a tax upon land would fall upon himself.

The principle adopted in the School Bill of 1843, is this,—the Government pay a certain amount to each Township—the property in that Township pays an equal amount; or, if the Councillors elected by the people choose it, double the amount. This forms the School Fund which is divided among the School districts, the Trustees of which raise the balance of the Teacher's salary by a Rate Bill on the parents of the children. The system is as simple as it is just.

I know that a prejudice exists against the tax; but it is merely from prejudice and ignorance of its effect. The tax is for the benefit of the resident settlers. The higher the tax, the lower will be the Rate Bill on the parents. A portion of the tax falls on the non-residents, on the rich, and on those who have no children; and, therefore, it is for the interest of the people to have the tax as high as the law allows. The best proof that I can offer of the correctness of



this view is that, in the state of New York, there is hardly an instance in which the Townships do not tax themselves double the amount of the Government Grant, although only required, as with us, to tax to an equal amount.

I may here observe that, notwithstanding the complaints made of the small amount of our Government Grant, it is upwards of three times as much per scholar as that in the State of New York, where the Common School system has produced such astonishing results. Some people seem to have imagined that it was expected, that the Common School Grant and the tax would be sufficient to entirely support the Teacher, instead of being merely an encouragement to the settlers to establish Schools at their own expense.

In framing this system, gentlemen, you will observe that, as in all other instances, the late Ministry have divested the Grant of all local patronage. Everything has been left to the people themselves; and I feel perfectly convinced that they will prove themselves capable of managing their own affairs in a more satisfactory manner than any Government Boards of Education, or visiting Superintendents could do for them.

The new School Act provides also for the establishment in each Township of a Model School;—the Teacher of which is to receive a larger share than others of the School Fund, provided he gives gratuitous instruction to the other Teachers in the Township, under such regulations as may be established.

There is also a provision for a Model School in each County, on a similar plan, but, of course, of a higher grade. It is left to the people themselves, or their representatives, in the several Municipalities, to establish these Model Schools, or not, as they deem expedient. But it is provided that as soon as a Provincial Normal School shall be in operation, (and the system will never be complete without one,) the Teachers of the Model Schools must have certificates of qualification from the Professors of the Normal School. (*Reminiscences of His Public Life: By Sir Francis Hincks, K.C.M.G., C.B., page 175-177.*)

#### EDUCATIONAL PROCEEDINGS OF THE HOUSE OF ASSEMBLY OF 1843—(*Continued*).

*November 24th, 1843.*—The Order of the Day for the second reading of the Bill to provide for the separate exercise of the Collegiate and University Functions of the College established at the City of Toronto, in Upper Canada; for incorporating certain other Colleges and Collegiate Institutions of that Division of the Province, with the University; and for the more efficient establishment and satisfactory government of the same, being read, it was

*Ordered*, That the same be now read a second time. The Counsel, Honourable William Henry Draper, Q.C., was called in, and the Bill was read a second time. And the Petition of the Right Reverend Doctor Stachan, the Lord Bishop of Toronto, against the Bill, which was presented to the House on Monday the sixth instant, was read, and the Counsel of King's College was heard; and then he was directed to withdraw.\* It was then

*Ordered*, That the debate on the said Bill be adjourned until Monday next, the 27th instant, and that it be then the First Order of the Day.

*November 27th, 1843.*—The following Petitions were read: Of the Right Reverend Doctor Strachan, the Lord Bishop of Toronto, praying that the monies appropriated for Common School purposes be placed at the disposal of the several Denominations of Christians, in proportion to their numbers; also of Mr. James Wylie and others, Inhabitants of Ramsay, in the Bathurst District, praying that the benefits of King's College, at Toronto, be equally extended to all Religious Denominations.

The Order of the Day being read for resuming the adjourned debate on the 24th instant on the Bill to provide for the separate exercise of the Collegiate and University Functions of the College established at the City of Toronto in Upper Canada; for incorporating certain other Colleges and Collegiate Institutions of that division of the Province, with the University, and for the more efficient establishment and satisfactory government of the same, it was,—

\* The report of this incident in the proceedings of the House of Assembly is thus given in the *Christian Guardian*. It said:—The learned Counsel commenced pleading at half past four o'clock, p.m., and finished at a quarter to seven o'clock. His speech displayed a higher order of ability and eloquence, and to have condensed it would only have mutilated it. When it appears at length, a correct opinion may be formed of the amount of professional talent which, according to the opinions of many, the votes of the House will demonstrate to have been thrown away on this occasion.

The substance of this Speech will be given in a subsequent Chapter in the next Volume.

*Ordered*, That the Debate on the said Bill be adjourned until Thursday next, the 30th instant.\*

*November 29th, 1843.*—The following Petition was read : Of the Reverend John M. Rogers and others, Inhabitants of the District of Colborne, praying that the Charter of the University of King's College may be so amended, as to give to all classes of Her Majesty's subjects full and equal benefits from the said Institution.

*December 1st, 1843.*—Mr. John Fennings Taylor, one of the Masters-in-Chancery, delivered a Message from the Legislative Council to Mr. Speaker, to the effect that :—

The Legislative Council have passed the following Bill, with several Amendments, to which they desire the concurrence of the Assembly :

“An Act to repeal the Act now in force for the Establishment and Maintenance of Common Schools, and to establish a Fund for the support of the same, and also to grant an Indemnity for the payment of certain portions of the School monies, etcetera.

NOTE.—This Bill, after it was received from the Legislative Council, was dropped, and the measure mentioned in the next paragraph, was taken up in its place.

*December 2nd, 1843.*—On motion it was—

*Ordered*, That the Honourable A. N. Morin have leave to bring a Bill further to provide for the Maintenance and Establishment of Common Schools, and also to grant an indemnity for the payment of certain portions of the School moneys for the year 1842; and further to provide for the apportionment and distribution of the balance of the said moneys for the years 1842 and 1843.

Mr. Morin accordingly presented the said Bill to the House, and the same was received and read for the first time. It was then—

*Ordered*, That the said Bill be now read a second time. The said Bill was accordingly read a second time, and engrossed. It was then—

*Resolved*, That the Bill do pass, and that the Title be : “An Act further to provide for the Establishment and Maintenance of Common Schools, and for apportioning the Fund for the support of the same ; and also to grant an Indemnity for the payment of certain portions of the School Moneys for the year 1842 ; and further to provide for the apportionment and distribution of the balance of the said moneys for the years 1842 and 1843.” It was further

*Ordered*, That the Honourable A. N. Morin do carry the said Bill to the Legislative Council and desire their concurrence.

*December 4th, 1843.*—A Message was received from the Legislative Council stating that the Council had passed, without any amendments :—

An Act further to provide for the Establishment and Maintenance of Common Schools, and for the apportioning the Fund for the support of the same ; and also to grant an indemnity for the payment of certain portions of the School Moneys, for the year 1842 ; and further to provide for the apportionment and distribution of the balance of the said moneys for the years 1842, and 1843.

*Ordered*, That the Order of the Day for the House in Committee on the Bill, to provide for the Establishment and Maintenance of Common Schools, in that part of this Province called Upper Canada, lost by the adjournment of the House on the 27th of November last, be revived, and that this House do now resolve itself into the said Committee. The House accordingly resolved itself into the said Committee. Mr. James Hervey Price took the chair of the Committee, and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Price reported that the Committee had made some progress, and had directed him to move for leave to sit again.

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\* On this day, (27th of November, 1843,) Sir Charles Metcalfe's Ministry resigned, and the Session was brought to a close on the 9th of the following December. Mr. Baldwin's University Bill did not, therefore, proceed beyond the second reading, which it received on the 24th of November. The Bill itself was never afterwards revived ; but its introduction into the Legislature by Mr. Baldwin led to an extended discussion in Upper Canada, on its voluminous provisions, and on the merits of the measure generally. A future Chapter of the next Volume will, therefore, be devoted to these discussions, and to the proceedings, in regard to the Bill, of the King's College Council, Bishop Strachan, the Board of Victoria College and other parties.

It is a matter of general historical interest to know that the memorable discussion in 1860-62 at Quebec on the University Question was founded primarily on the provisions of this abortive Bill, and especially on the University Act of 1852, as they applied, especially the provision of the latter Act to the “outlying Colleges,” as they were called in Upper Canada.

*Ordered*, That the said Committee have leave to sit again at the next sitting of the House.

The House went again into Committee on this Bill. On the Speaker resuming the Chair, Mr. Price reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House. It was then

*Ordered*, That the Report be received to-morrow.

A Message was received from the Legislative Council to the effect that they had passed, without amendment, the following Bill, (which had been passed by the House of Assembly on the 2nd instant) :

"An Act further to provide for the establishment and maintenance of Common Schools and for granting an indemnity for the payment of certain portions of the School moneys for the year 1842, etcetera.

*December 5th, 1843.*—On motion it was

*Ordered*, That Mr. William H. Merritt have leave to bring in a Bill to appropriate the proceeds of the Waste Lands of the Crown and the Casual and Territorial Revenue for the purposes of Common Schools, and to limit the time for calling in Scrip under a certain Act therein mentioned. Mr. Merritt accordingly presented the Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday, the 13th instant.

Mr. James H. Price, from the Committee of the Whole House on the Bill to provide for the Establishment and Maintenance of Common Schools in that part of this Province called Upper Canada, reported, according to order, the amendments made by the Committee to the Bill, which amendments were again read at the Clerk's Table and agreed to by the House. It was

*Ordered*, that the following clause be added to the said Bill, after the last Section :—

"And be it enacted, That an Act of the Parliament of this Province, passed in the Session held in the 4th and 5th years of Her Majesty's Reign, and intituled : 'An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout this Province,' shall upon, from and after, the day last aforesaid, be repealed, in so far as 'relates to that part of this Province called Upper Canada, in, and with, regard to which, it shall upon, from and after the said day have no force, or effect, excepting always the first, second and third Sections of the said Act ; and so much of the twenty-third Section, as provides for the due accounting for the application of the moneys apportioned by the second and third Sections of the said Act.'" It was—

*Ordered*, That the said Bill, so amended, be engrossed and read a third time. It was then—

*Resolved*, That the Bill do now pass, and it was—

*Ordered*, That the Honourable Francis Hincks do carry the said Bill to the Legislative Council, and desire their concurrence.

*December 6th, 1843.*—A Message was received from the Legislative Council, stating that it had passed the following Bill without amendment :

An Act for the Establishment and Maintenance of Common Schools in that part of this Province called Upper Canada.

## EDUCATIONAL PROCEEDINGS OF THE LEGISLATIVE COUNCIL, 1843.

The Legislative Council met on the 28th of September, 1843. The Speech from the Throne was on general topics, with a brief reference to a proposed "improvement . . . in the Laws [of Upper and Lower Canada] relating to Education." (See page 225.)

*September 30th, 1843.*—The Honourable J. Æmilius Irving, presented a Petition from the Municipal Council of the District of Simcoe, praying for various amendments in the Municipal Council and School Acts. *Ordered*, that the same do lie on the Table.

*October 3rd, 1843.*—The Honourable J. Æmilius Irving, presented a Petition from Mr. Edward Ryall, and others, inhabitants of the Township of Oro, praying that . . . the Common School Act repealed. *Ordered* that the same do lie on the Table.

*October 13th, 1843.*—The Honourable George J. Goodhue presented a Petition from Jacob Beams, and others, inhabitants of the Townships of Clinton and Grimsby, in the Niagara District, praying that the Charter of the University of King's College in Toronto may be amended. *Ordered*, that the same do lie on the Table.



*October 20th, 1843.*—The Honourable Peter B. de Blaquiere presented a Petition from the Municipal Council of the Western District, praying that the Common School Act (effecting Upper Canada) may be amended and simplified. Ordered, that the same do lie on the Table.

*October 23rd, 1843.*—The Honourable Thomas McKay presented a Petition from Mr. William Miller, an others, Inhabitants of Port Sarnia and its vicinity, praying for certain amendments to the Charter of the University of King's College, Toronto. Ordered, that the same do lie on the Table.

It was moved that a Select Committee of six Members be appointed, for the purpose of inquiring into the affairs of King's College, and of Upper Canada College, as connected therewith; with power to send for persons, papers and records, and report to the House. The question of concurrence being put thereon, it was resolved in the affirmative.

*Ordered*, that the Committee be the Honourable Messieurs Peter B. de Blaquiere, René E. Caron, William Morris, Adam Fergusson, James Ferrier and Levius Peters Sherwood, to meet and adjourn as they please.

*October 26th, 1843.*—The Honourable Alexander Fraser presented a petition from Mr. William Fraser, and others, of Breadalbane, Glengarry, praying for an alteration and extension of the Charter of the University of King's College, Toronto. Ordered, that the same do lie on the Table.

The Honourable William Morris presented a Petition from Mr. Charles H. Morgan, and others, inhabitants of the Town of Cobourg and its vicinity, praying for an alteration in the Charter of the University of King's College, Toronto. Ordered, that the same do lie on the Table.

The Honourable Robert B. Sullivan acquainted the House that he had a Message from His Excellency the Governor General, under his sign manual, which His Excellency had commanded him to deliver to this House :—

C. T. METCALFE.

The Governor General informs the Honourable the Legislative Council, that in consequence of an Ordinance of the Governor and Special Council of Lower Canada, . . . it became impracticable to carry out literally the Act of the Parliament of this Province of 1841, intituled : "An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools;" and that in Upper Canada also, the last mentioned Act has not generally been complied with, so as strictly to entitle many of the Districts to receive a share of the annual sum appropriated by the said Act for the Establishment and Maintenance of the Common Schools.

Under these circumstances, the Governor General, with the advice of the Executive Council, directed a distribution of money in aid of the purposes for which the said appropriation was made, as nearly as possible in conformity with the spirit and intention of the said Act, for the year one thousand eight hundred and forty two, leaving a balance undisturbed for that year in the hands of the Receiver General, and also leaving the whole sum appropriated for the year one thousand eight hundred and forty-three, to be distributed according to such provision as may be agreed upon in that behalf by the several Branches of the Legislature.

The Governor General transmits to the Honourable the Legislative Council herewith, copies of the several Minutes of Council, under which the said distribution of the Common School money has been made, together with the Accounts and other Documents explanatory of the course directed by him, as before mentioned.\*

C. T. M.

KINGSTON, 25th October, 1843.

*October 27, 1843.*—Ordered, that an humble Address be presented to His Excellency the Governor General, to return him the thanks of this House for His Message of yesterday, transmitting certain Documents on the subject of Common Schools, and that the Honourable R. B. Sullivan do wait on His Excellency the Governor General, with the said Address.

*October 30th, 1843.*—The Honourable Adam Fergusson presented a Petition from Mr. A. Dingwall Fordyce, and others, inhabitants of Fergus, in the District of Wellington, praying for the amendment of the Charter of the University of King's College. Ordered, that the same do lie on the Table.

The Honourable Robert Dickson presented a Petition from Mr. Thomas McDonald, and others, inhabitants of the village of St. Catharines, in the Niagara District, praying that the Charter of the University of King's College may be amended. Ordered that the same do lie on the Table.

\* These Papers and Documents are given on page 233 of this History, *ante*.

*November 2nd, 1843.*—The Honourable William Morris presented a Petition from the Reverend Donald McKenzie and others, inhabitants of the Townships of Zorra, Nissouri and Oxford; and also from the Reverend Alexander C. McColl, and others, inhabitants of Aldborough, in the London District, severally praying for the amendment of the Charter of the University of King's College. Ordered that the same do lie on the Table.

The Honourable John Hamilton presented a Petition from the Reverend Robert McGill, and others, inhabitants of the Town of Niagara and vicinity, praying for the amendment of the Charter of the University of King's College. Ordered, that the same do lie on the Table.

*November 3rd, 1843.*—The Honourable William Morris presented a Petition from Mr. Alexander Wilson, and others, inhabitants of the District of Brock, praying for the amendment of the Charter of the University of King's College. Ordered, that the same do lie on the Table.

*November 4th 1843.*—The Honourable William H. Draper presented a Petition from the Honourable and Right Reverend Doctor John Strachan, Lord Bishop of Toronto, praying that the proposed Bill, for altering the Charter of the University of King's College, may not be passed into a Law. Ordered, that the same do lie on the Table.

*November 8th, 1843.*—The Honourable Adam Ferrie presented a Petition from the Reverend Alexander Gale, and others, of the Town of Hamilton, praying for the further amendment of the Charter of the University of King's College. Ordered, that the same do lie on the Table.

*November 14th. 1843.*—The Honourable George J. Goodhue presented a Petition from Mr. Adam Hope, and others, inhabitants of St. Thomas, Upper Canada, and its vicinity, praying for the further alteration of the Charter of the University of King's College. Ordered, that the same do lie on the Table.

*November 15th, 1843.*—The Honourable Adam Fergusson presented a Petition from Mr. James Miller, and others, inhabitants of the Township of Toronto, praying for the amendment of the Charter of the University of King's College. Ordered, that the same do lie on the Table.

*November 17th, 1843.*—A Message was brought from the Legislative Assembly by the Honourable A. N. Morin, and others, with a Bill, intituled: "An Act to repeal the Act now in force, for the Establishment and Maintenance of Common Schools, and to Establish a Fund for the support of the same, and also to grant an indemnity for the payment of certain portions of the school monies for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of the said monies for the years one thousand eight hundred and forty-two and one thousand eight hundred and forty-three," to which they desire the concurrence of this House. The said Bill was read the first time.

Ordered, that the said Bill be read the second time on Monday next.

Ordered, that the Honourable Messieurs Barthelemy Joliette, François P. Bruneau, Philip H. Moore, George J. Goodhue and J. Æmilius Irving be added to the Select Committee appointed to report upon the affairs of King's and Upper Canada Colleges.

*November 20th, 1843.*—The Honourable R. B. Sullivan, by command of His Excellency the Governor General, presented to the House a Report on Common Schools from the Assistant Superintendent of Education for Canada West. Ordered, that the same do lie on the Table.

NOTE.—This Report will be given in a subsequent and separate Chapter.

Pursuant to the Order of the Day, the Bill, intituled: "An Act to repeal the Act now in force for the Establishment and Maintenance of Common Schools, and to establish a fund for the support of the same, and also to grant an indemnity for the payment of certain portions of the School monies for the year 1842," etcetera, (which was brought up from the House of Assembly on the 17th instant) was read the second time.

Ordered, that the said Bill, together with His Excellency's Message, and the Report of the Assistant Superintendent of Education for Canada West, transmitted to this House during the present Session, on the subject of Common Schools, be referred to a Select Committee of eight Members, and that the Committee be the Honourable Messieurs Robert Baldwin Sullivan, Adam Fergusson, François P. Bruneau, Philip H. Moore, Amable Dionne, George J. Goodhue, J. Æmilius Irving and Louis Massue, to meet and adjourn as they please.

The Honourable J. Æmilius Irving presented a Petition from Mr. Thomas Moore, and others, inhabitants of the District of Prince Edward, praying for the amendment of the Charter of the University of King's College. Ordered, that the same do lie on the Table.

*November 22nd, 1843.*—It was moved That leave be given to the Honourable William Henry Draper, one of the Members of this Honourable House, to plead, as Counsel, at the Bar of the Legislative Assembly, against the Bill now pending in that House, intituled: "An Act to provide for the separate exercise of the Collegiate and University Functions of the College

established at the City of Toronto, in Upper Canada, for incorporating certain other Colleges and Collegiate Institutes of that division of the Province with the University, and for the more efficient establishment and satisfactory Government of the same," and that the said leave be not in time coming drawn into a precedent. The question of concurrence being put on the said motion, it was, after a short debate, resolved in the affirmative, and ordered accordingly.

DISSENTIENT:—

*First.*—Because, it involves a hazard of collision with the Honourable House of Assembly in permitting a Member of this House to engage in professional labours at the Bar of that Honourable House.

*Second.*—Because, in all public matters, more especially where great points of Constitutional Law are involved, and which may be expected to come under discussion in this House, it is of paramount importance that the unbiassed legal aid of professional Members of the Council should remain entire and at the service of the House.

*Third.*—Because, no precedent for the permission craved can be found in the Records of the House of Lords, and it is provided by the Sixtieth Rule of this House, that all unprovided cases shall be determined by the Rules and Practice of the House of Lords.

TORONTO, 22nd of November, 1843.

ADAM FERGUSSON,  
J. ÆMILIUS IRVING.

*November 24th, 1843.*—The Honourable François P. Bruneau presented a Petition from the Honourable and Right Reverend Doctor John Strachan, Lord Bishop of Toronto, praying that the sum appropriated by the Legislature, for the support of Common Schools, be divided amongst the recognized Denominations of Christians, in Upper Canada, in proportion to their numbers. Ordered, that the said Petition be read. The same was then read by the Clerk accordingly. Ordered, that the same do lie on the Table.

*Ordered*, that two hundred and fifty copies of the said Petition be printed in the English language, and a similar number of copies in the French language, for the use of Members.

*Ordered*, that the Select Committee to whom were referred the Bill from the Legislative Assembly, intituled: "An Act to repeal the Act now in force for the Establishment and Maintenance of Common Schools, and to establish a fund for the support of the same, and also to grant an indemnity for the payment of certain portions of the School moneys for the year 1842," etcetera, have leave to report from time to time.

The Honourable François P. Bruneau, from the Select Committee to whom were referred the Bill from the Legislative Assembly, intituled: "An Act to repeal the Act now in force for the Establishment and Maintenance of Common Schools, and to establish a fund for the support of the same, and also to grant an indemnity for the payment of certain portions of the School moneys," etcetera, presented their first report. Ordered, that it be received, and the same was then read by the Clerk, as follows:—

The Select Committee, to whom were referred the Bill from the Legislative Assembly, intituled: "An Act to repeal the Act now in force for the Establishment and Maintenance of Common Schools, and to establish a fund for the support of the same, and also to grant an indemnity for the payment of certain portions of School Moneys," etcetera; the Message of His Excellency the Governor General, of the 25th of October last, in relation to the distribution of the School Moneys, and the Report of the Assistant Superintendent of Education in Canada West, have the honour to make their first report:—

That they have carefully examined the said Bill, and being satisfied with the reasons and arguments adduced in the several Minutes of Council submitted to Your Honourable House, with the Message of His Excellency the Governor General, in favour of the advances made for the encouragement of Education in the Province beyond the strict letter of the law, and for which this Bill provides an indemnity; they recommend, that, as far as Your Honourable House is concerned, the indemnity sought for by the advisers of His Excellency the Governor General should be readily and cheerfully granted. The Committee, having gone through the whole Bill, recommend the same for adoption by Your Honourable House without any amendment. The whole, nevertheless, humbly submitted.

FRS. P. BRUNEAU, Chairman.

KINGSTON, 27th of November, 1843.

*Ordered*, that the said Report be taken into consideration presently. The House then proceeded to take the same into consideration accordingly, which being again read by the Clerk, it was ordered, that the same be adopted.



*December 1st, 1843.*—It was moved that the Bill, intituled: "An Act to repeal the Act now in force for the Establishment and Maintenance of Common Schools, and to establish a Fund for the support of the same, and to grant an indemnity for the payment of certain portions of the School Moneys," etcetera, be read the third time. The question of concurrence being put on the said motion, it was resolved in the negative.

*Ordered*, that the last mentioned Bill be referred *de novo* to the same Select Committee to whom it was formerly referred, to report further thereon.

The Honourable François P. Bruneau, from the Select Committee, to whom this Bill was referred *de novo*, presented their further Report. *Ordered*, that it be received. The same was then read by the Clerk as follows:—

The Select Committee to whom was referred, *de novo*, the Bill, from the Legislative Assembly, intituled: "An Act to repeal the Act now in force for the Establishment of and Maintenance of Common Schools," etcetera, have the honour to report; that they have again considered the said Bill and report the following amendments:—

Press 1, line 14.—Leave out from "that" to "enacted," in 24th line, inclusively.

Press 2, line 20.—Leave out "The Act hereby repealed," 2nd insert "Law."

Press 2, line 41.—Leave out "said."

Preamble, lines 1 and 2.—Leave out "repeal the Law now in force," and insert "make further provision."

Preamble, line 3.—Leave out from "and" to "respectively," in the 6th line, inclusively.

Title, line 3.—Leave out "repeal the Act now in force," and insert "provide."

The whole, nevertheless, humbly submitted.

FRS. P. BRUNEAU, Chairman.

KINGSTON, 1st of December, 1843.

The amendments reported by the last mentioned Select Committee, being twice read by the Clerk, and the question of concurrence put on each, they were severally agreed to by the House, and it was ordered, that the said amendments be engrossed. The Bill, therefore, as amended, was read the third time.

The question was put, whether this Bill, as amended, shall pass, and it was resolved in the affirmative.

*Ordered*, that one of the Masters-in-Chancery do go down to the Legislative Assembly, and acquaint that House, that the Legislative Council have passed the above mentioned Bill, with certain amendments, to which they desire the concurrence of the Assembly. (*See page 243.*)

*December 2nd, 1843.*—A Message was brought from the Legislative Assembly by the Honourable A. N. Morin, and others, with a Bill, intituled: "An Act further to provide for the Establishment and Maintenance of Common Schools, and for apportioning the Fund for the support of the same, and also, to grant an indemnity for the payment of certain portions of the school moneys for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of the said moneys for the years one thousand eight hundred and forty-two and one thousand eight hundred and forty-three," to which they desire the concurrence of this House. The said Bill was read the first time.

*Ordered*, that the said Bill be read the second time presently. The Bill was then read the second time accordingly.

*Ordered*, that the said Bill be read the third time presently. The said Bill was then read the third time accordingly. The question was put, whether this Bill shall pass? and it was resolved in the affirmative.

*Ordered*, that one of the Masters-in-Chancery do go down to the Legislative Assembly and acquaint that House, that the Legislative Council have passed this Bill without any amendment.

*December 5th, 1843.*—A Message was brought from the Legislative Assembly by the Honourable Francis Hincks, and another, with a Bill, intituled: "An Act for the Establishment and Maintenance of Common Schools in Upper Canada," to which they desire the concurrence of this House. The said Bill was read the first time.

*Ordered*, that the said Bill be read the second time presently. The said Bill was read the second time accordingly.

*Ordered*, that the said Bill be committed to a Committee of the whole House.

*Ordered*, that the House be put into a Committee upon the said Bill presently. The House, according to order, was adjourned during pleasure, and was put into a Committee of the whole

House upon the last mentioned Bill, the Honourable R. B. Sullivan in the Chair. After some time the House was resumed, and the Honourable R. B. Sullivan reported from the said Committee, that they had gone through the said Bill, and had directed him to report the same without any amendment.

*Ordered*, that the Bill be read the third time presently. The said Bill was then read the third time accordingly. The question was put, whether this Bill shall pass? and it was resolved in the affirmative.

*Ordered*, that one of the Masters-in-Chancery do go down to the Legislative Assembly, and acquaint that House that the Legislative Council have passed this Bill without any amendment.

*December 9th, 1843.*—His Excellency the Right Honourable Sir Charles Theophilus Metcalfe, Governor General of British North America, being seated in the Chair on the Throne, the Speaker commanded the Gentleman Usher of the Black Rod, to let the Members of the House of Assembly know that “it is His Excellency’s pleasure they attend him immediately in this House.” Who, being come with their Speaker, the Clerk of the Crown in Chancery read the titles of the Bills to be passed severally, and among them the following :—

An Act further to provide for the establishment and maintenance of Common Schools, and for apportioning the fund for the support of the same, and also to grant an indemnity for the payment of certain portions of the School moneys for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of the said moneys for the years one thousand eight hundred and forty-two and one thousand eight hundred and forty-three.

An Act for the establishment and maintenance of Common Schools in Upper Canada.

In his Speech from the Throne, in closing this third Session of the First Provincial Parliament of Canada, Sir Charles Metcalfe made no reference to the subject of Education.

## CHAPTER XXI.

### EDUCATIONAL ACTS PASSED BY THE LEGISLATURE IN 1843

#### 7TH VICTORIA, CHAPTER IX.

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF THE LEGISLATIVE SCHOOL MONEYS OF 1842 AND 1843,  
AND TO GRANT AN INDEMNITY FOR DISTRIBUTING PORTIONS OF IT FOR THOSE YEARS.

*Sir Charles Theophilus Metcalfe, Governor General.*

Passed 9th of December, 1843.

WHEREAS it is expedient to make further provision for the establishment and maintenance of Common Schools throughout the Province; Be it therefore enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada and it is hereby enacted by the authority of the same, That the sum of Fifty Thousand pounds annually now granted by law for the maintenance and support of Common Schools in this Province shall, from year to year be apportioned by order of the Governor of this Province, in Council, between the divisions of this Province formerly constituting the Provinces of Upper and Lower Canada, in proportion to the relative numbers of the Population of the same, respectively, as such numbers shall, from time to time, be ascertained by the census next before taken in each of the said divisions, respectively.

**Preamble.**

The sum granted annually of £50,000 to be divided in a certain proportion, between Upper and Lower Canada.

II. AND WHEREAS, by reason of the laws relative to Municipal Institutions not having been carried into effect in Lower Canada aforesaid, no effectual census of the population of the said division of the Province has been lately taken; Be it therefore enacted, That until such a census shall be taken, the said sum shall be apportioned, until

Proportion in which the same shall be divided, until

a census of  
Lower  
Canada be  
taken,

Governor's  
Message  
recited.

Indemnity to  
persons having  
advised or  
acted under  
the orders in  
Council  
mentioned in  
the said  
Message.

Proviso.

Governor in  
Council  
authorized to  
apportion the  
Common  
School Monies  
for 1843.

And also any  
balance of the  
said monies  
for the years  
1842 and 1843.

Interpretation  
clause.

Accounting  
Clause.

tioned between the said divisions of the Province, in the proportion of Thirty Thousand pounds, currency of this Province, for Lower Canada aforesaid, and twenty thousand pounds for Upper Canada.

III. AND WHEREAS it has been communicated by His Excellency the Governor General, by Message, during the present Session, to both Houses of the Provincial Parliament, that for certain reasons therein mentioned, the School Monies appropriated by law, for the year one thousand eight hundred and forty-two, could not be apportioned and paid in Lower Canada, and also partly in Upper Canada, to the full amount thereof, nor in the exact manner prescribed by law, but that the said Monies have been apportioned and paid in the manner set forth in the said Message and accompanying Documents, under certain orders of the Governor in Council, of the thirteenth day of January, the sixteenth day of March, the fourth day of April, and the seventeenth day of August, in the year one thousand eight hundred and forty-three, to the amount of Eighteen Thousand and Fifty-Eight pounds, fourteen shillings and five pence and one farthing, currency, for Upper Canada, and of Nine Thousand Seven Hundred and Ninety pounds, seven shillings and six pence, currency, for Lower Canada, and it is expedient to cover the said payments by legislative enactments ;

Be it therefore enacted, That all persons whomsoever, in any manner concerned in advising, directing or making the apportionment, disposition and payment of the Common School Money, in accordance with the aforesaid orders in Council, shall be held fully harmless and indemnified for all acts advised or done by them therein, any thing in the Act, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled : An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout the Province, in any wise notwithstanding ; and the apportionment and payments so made shall be held to have been made according to law, to all intents and purposes whatsoever : Provided always, that all persons entrusted with the distribution thereof in the various Districts, Counties, and other Sub-divisions of the Province, shall duly account for the same.

IV. AND WHEREAS, the sum appropriated for the Establishment and Maintenance of Common Schools, according to the said Act, for the year of our Lord one thousand eight hundred and forty-three, has not yet been apportioned or distributed ; and Whereas it is impossible to apportion, or distribute, a large portion of the same according to the said Act ; Be it therefore enacted, That it shall and may be lawful for the Governor of this Province in Council to make division and apportionment of the said sum for the year of our Lord one thousand eight hundred and forty-three, or a part thereof, in such manner as may be provided by any Act of the Legislature of this Province, during the present Session, or in default thereof, as shall in the opinion of the Governor in Council be justly and equitably apportionable for such Schools as may be entitled to the same, according to the true intent and spirit of the Act above mentioned.

V. And be it enacted, That all the balance of the said Common School Money for the said two years, which shall remain undistributed and unapportioned in each section of the Province respectively, for the years one thousand eight hundred and forty-two and one thousand eight hundred and forty-three, shall be distributed and apportioned under the orders of the Governor in Council, according to any Act which may be provided in that behalf during the present Session of the Legislature, or in default thereof, as may appear to the Governor in Council just and equitable, in aid of the building of School Houses or for other Common School purposes, in the several counties or other territorial divisions of Upper Canada and of Lower Canada respectively.

VI. And be it enacted, That the word " Governor " wherever it occurs in this Act, shall be construed to apply to the Person administering the Government of this Province.

VII. And be it enacted, That the due application of all monies to be applied or expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, in such manner and form as Her Majesty, Her Heirs and Successors may direct ; and the accounts for the same shall also be laid before each branch of the Provincial Legislature during the first fifteen days of each Session thereof.



## 7 VICTORIA, CHAPTER XXIX.

## AN ACT FOR THE ESTABLISHMENT AND MAINTENANCE OF COMMON SCHOOLS IN UPPER CANADA.

*Sir Charles Theophilus Metcalfe, Governor-General.*

Passed 9th of December, 1843.

Whereas it is expedient to make provision for the Establishment and Maintenance of Common Schools in that part of this Province called Upper Canada, and also for the establishment and maintenance of Model Schools therein; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, an intitled: "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, that the Secretary of this Province shall, ex-officio, be Chief Superintendent of the Common Schools of Upper Canada aforesaid, subject nevertheless to all lawful orders and directions in the exercise of his duties as such Chief Superintendent, as shall from time to time be issued, or given, in that behalf by the Governor of this Province.

Preamble.  
Chief Superintendent of Common Schools appointed.

II. And be it enacted, that it shall and may be lawful for the Governor of this Province, from time to time, to appoint an Assistant Superintendent of Common Schools for Upper Canada aforesaid, who shall act in all things under the direction of the said Chief Superintendent.

Assistant Superintendent.

III. And be it enacted, that on or before the first day of March in each year, it shall be the duty of the said Chief Superintendent, after deducting any sum which shall be set apart for the maintenance of Model Schools, as hereinafter provided, to apportion any sum or sums of money, appropriated by the Legislature for Common Schools in Upper Canada aforesaid for the year, under, or by virtue of any Act or Acts passed or to be passed in that behalf, and that such apportionment shall be made according to the ratio of population of each County, Township, Town, or City, as compared with the population of Upper Canada, according to the census of population which shall last have been taken and returned at the time of such apportionment.

Superintendent to apportion the monies arising from the Common School Fund; and in what ratio.

IV. And be it enacted, that when the census, or returns, upon which an apportionment is to be made shall be so far defective in respect of any County, Township, Town, or City, as to render it impracticable for the Chief Superintendent to ascertain the share of School Moneys which ought to be apportioned thereto, and whenever, in consequence of the erection of a New County, Township, Town, or City, or the alteration of the Boundaries thereof, the apportionment under the census then last taken would become inapplicable, or would be unjust, as between two or more Counties, Townships, Towns, or Cities, the Chief Superintendent shall make his apportionment for the year, according to the best evidence in his power, upon the facts upon which the ratio of apportionments as to such Counties, Townships, Towns, or Cities, shall depend.

To apportion the same according to the best of his judgment in certain cases.

V. And be it enacted, that the Chief Superintendent shall certify such apportionment made by him to the Inspector General of the Province, and shall give immediate notice to the Superintendent of Common Schools of each County interested therein, stating the amount of Moneys apportioned to his County, and to each Township, Town and City therein.

To notify the apportionment to certain officers.

VI. And be it enacted, that the Chief Superintendent aforesaid shall prepare suitable Forms and Regulations for making all reports and conducting all necessary proceedings under this Act, and shall cause the same, with such Instructions as he shall deem necessary and proper for the better Organization and Government of Common Schools, to be transmitted to the Officers, required to execute the provisions of this Act throughout Upper Canada aforesaid.

To prepare forms and regulations.

And furnish copies thereof and of this Act to the Local School authorities.

VII. And be it enacted, that the Chief Superintendent aforesaid shall, from time to time, furnish to the County Superintendent throughout Upper Canada aforesaid, for the use of the several School Districts, such and so many copies of this Act, and of the Forms, Regulations and Instructions, prepared by him, as he shall deem requisite and necessary.

At what time the annual School allowance shall be payable, and to whom.

VIII. And be it enacted, that the sum annually to be distributed for the encouragement of Common Schools in Upper Canada aforesaid, shall be payable on the first day of August in each year, by Warrant to the Superintendents of Common Schools of the several Counties in Upper Canada aforesaid.

Duty of County Superintendents as to such moneys.

IX. And be it enacted, that each County Superintendent receiving such moneys, shall forthwith give notice in writing to the Township, Town and City Superintendents of Common Schools within his County, of the amount apportioned to each Township, Town, or City, and shall hold the same subject to the orders of such Township, Town and City Superintendents, respectively.

Such moneys how to be appropriated if not applied for by the local School authorities, in any year.

X. And be it enacted, that, in case the Superintendent of any such Township, Town, or City, shall not apply for and receive such moneys before the next receipt of moneys apportioned to the County, or, in case the Council of any Township, Town, or City, shall not entitle such Township, Town, or City to receive the sum apportioned thereto under this Act, the moneys remaining with the County Superintendent shall be retained by him, and shall be distributed in addition to the moneys next received by him for distribution for Common Schools, as aforesaid, and in the same proportions.

Apportionment to be notified to local authorities.

XI. And be it enacted, that whenever the County Superintendent of Common Schools in any County shall receive from the Superintendent notice of the apportionment of moneys to be distributed in his County, he shall forthwith transmit a certified copy of such apportionment to each Township, Town and City Clerk, within such County, so far as the same relates to such Township, Town, or City.

Duty of Township, Town and City Councils on receiving notice of such apportionment.

XII. And be it enacted, that it shall be the duty of the said Clerk to lay such certified copy before the Council for his Township, Town, or City, and the Township, Town or City Council shall without delay cause to be levied in the Township, Town or City, a sum of money for Common School purposes, at least, equal (clear of all charges of collection) to the amount of public money apportioned to such Township, Town, or City; such sum to be increased at the discretion of the Council to an amount not more than double the said apportionment of public money; and such sum, so to be raised, shall be placed on the Collector's Roll, and shall be by him collected, in like manner as any other tax for such Township, Town, or City, and shall be by him paid over to the Township, Town, or City, Superintendent of Common Schools.

Local Councils may exempt School Districts from the Tax on the ground of poverty.

XIII. And be it enacted, that it shall be lawful for any Township, Town, or City, Council to exempt any number of School Districts, not exceeding two, within such Township, Town, or City, from the payment of the Tax for the support of Common Schools, an account of the poverty of their inhabitants.

Superintendent of Schools for each Township, Town and City.

XIV. And be it enacted, that there shall be a Superintendent of Common Schools in each Township, Town and City, to be appointed by the Council thereof, and to hold office during their pleasure; and every such appointment, and every vacancy occurring in the office, shall be notified within Ten days to the County Superintendent by the Township, Town, or City, Clerk; and it shall be the duty of the Superintendent of each Township, Town, or City

His duties.

1.—To divide the same, subject to the direction and approval of the Township, Town, or City Council, into a convenient number of School districts and parts of districts, and to regulate and alter such Districts and parts of Districts, as herein-after provided.

2.—To describe and number the School districts and parts of Districts, and to deliver the description and numbers thereof, in writing, to the Township, Town, or City, Clerk, immediately after the formation or alteration thereof.

3.—To apply for and receive from the County Superintendent, the portion of School Moneys apportioned to the Township, Town, or City, and likewise from the Town, or City, Collector, or Treasurer, all moneys which shall be raised for the purposes of Common Schools in their Township, Town, or City; the aggregate of which moneys shall constitute the School Fund of the Township, Town, or City.

4.—To apportion the said School Fund so soon as its amount shall have been ascertained, among the several School districts and parts of districts within the Township, Town, or City, in proportion to the number of children residing in each, over the age of five and under the age of sixteen years, according to the last annual reports of the School Trustees.

5.—To sue for and collect, by his name of office, all Penalties and Forfeitures imposed by this Act, within his jurisdiction, and with respect to which no other provision is made, which shall be incurred by any Officer, or Inhabitant, of the Township, Town, or City; and after deducting his costs and expenses, to add the sums recovered to, the School Moneys received by him, to be apportioned and expended in like manner.

6.—To visit all Common Schools within the Township, Town, or City, at least once a year, and oftener, if he shall deem it necessary.

7.—To examine all persons offering themselves as Candidates for teaching Common Schools within the Township, Town, or City, and on being satisfied of the qualification of the Candidates in respect of moral character, learning and ability, to grant certificates in such form as shall be prescribed by the Superintendent of Common Schools; which certificates shall be valid for one year, and shall entitle the holder thereof to teach a Common School within such Township, Town, or City, respectively.

8.—To annul any certificate given by him or any of his predecessors in office, whenever he shall see just cause for so doing, by giving at least six weeks' notice in writing to the Teacher who shall hold it, with the reasons which have led him to annul such certificate, and giving the same notice and reasons to the Trustees of the School district in which he may be employed, and leaving with the Teacher, if he shall think himself aggrieved by the decision, the power to appeal by Memorial to the review and decision of the County Superintendent.

XV. And be it enacted, that every Superintendent of Common Schools for any Township, Town, or City, shall make out and transmit to the County Superintendent, between the first day of January and the first day of March, in each and every year, a report in writing, in a form to be prescribed by the Chief Superintendent, bearing date on the first day of January in the year of its transmission, and stating—

He shall transmit Reports to the County Superintendent.

1.—The whole number of School districts and parts of districts, separately, set off within the Township, Town, or City.

2.—The districts and parts of districts, from which reports shall have been made to the Township, Town, or City, Superintendent within the time limited for that purpose.

What such Reports shall shew.

3.—The length of time a School shall have been kept in each of such districts or parts of districts, distinguishing what portion of that time the school shall have been kept by qualified teachers.

4.—The amount of public moneys received in each of the said districts and parts of districts, and also the further amounts raised by the Trustees for school purposes, and the application of the same.

5.—The number of children taught in each over the age of five and under sixteen years; and also the number of children residing in each over the age of five and under sixteen years.

6.—The whole amount of the moneys received by the Superintendent, or his predecessor in office, during the year ending at the date of the report, and since the date of the preceding last report; distinguishing the amount received from the County Superintendent on account of the public money apportioned, the amount from the Township rate, and the amounts from any other and what sources.

7.—The manner in which such moneys have been expended, and whether any and what part remains unexpended, and from what cause.

XVI. And be it enacted, that every Superintendent of Common Schools for any Township, Town, or City, shall, before he enters upon the duties of his office, enter into a bond with two or more sufficient sureties to such amount as shall be required by the Township, Town, or City, Council, and such bond shall be to the Township, Town, or City, and the sureties shall be to the satisfaction of the Town-

He shall give security.



ship, Town, or City, Council, and such bond shall be conditioned for the faithful performance of the duties of such Superintendent.

Alterations of School District.

XVII. And be it enacted, that no alteration of any School district, made without the consent of the Trustees thereof, shall take effect until three months after notice in writing shall have been given thereof to one or more of such Trustees.

No apportionment to School Districts, having no report for the preceding year.

XVIII. And be it enacted, that in making the apportionment of School moneys among the several School districts, no share shall be apportioned to any district or part of a district, from which no sufficient annual report shall have been received for the year ending on the last day of December preceding the apportionment.

Nor unless certain other conditions have been complied with.

XIX. And be it enacted, that no part of such moneys shall be apportioned or paid to any district, or part of a district, unless it shall appear by such report, that a School had been kept therein for at least three months during the year ending at the date of such report, by a qualified Teacher, and that all moneys received from the Township, Town, or City, Superintendent, during the year ending at the date of such report, have been faithfully applied in paying for the compensation of such Teacher.

Changes in the limits of School Districts how to affect the apportionment in certain cases.

XX. And be it enacted, that if after the annual reports shall have been received, and before the apportionment of the School moneys shall have been made by the Superintendent, a district shall be duly altered or a new district formed, so as to render an apportionment founded solely on the annual reports unjust, as between two, or more, of the said districts, the Township, Town, or City, Superintendent shall make an apportionment among such districts, according to the number of children in each, over the age of five and under sixteen years, ascertaining that number by the best evidence in his power.

The same as to new District formed out of others.

XXI. And be it enacted, that when a School district shall have been formed at such time previous to the first of January as not to have allowed a reasonable time to have kept a School therein for the term of three months, such district having been formed out of a district, or districts, in which a School shall have been kept for three months by a Teacher duly qualified during the year preceding the first day of January, the said new district shall be entitled to its allowance of School moneys; and the same shall be allotted by the Superintendent according to the number of children over the age of five and under sixteen therein, to be ascertained according to the best evidence in the power of the Superintendent.

Appropriation of moneys not applied for by the Trustees of any School District.

XXII. And be it enacted, that all moneys apportioned by the Superintendent of any Township, Town, or City, under this Act, to the Trustees of a district, or part of a district, which shall have remained in the hands of the Superintendent for one year after such apportionment, by reason of the Trustees neglecting or refusing to receive the same, shall be added to the moneys next hereafter to be appropriated by such Superintendent, and shall be apportioned and paid therewith, and in like manner.

And of moneys which cannot be apportioned by the local Superintendent.

XXIII. And be it enacted, that in case any School moneys received by the Superintendent of any Township, Town, or City, cannot be apportioned by him for the term of two years after the same are received, by reason of the non compliance of all the School districts in the Township, Town, or City, with the provisions of this Act, such moneys shall be returned by him to the County Superintendent, to be by him apportioned and distributed together and in the same manner with the moneys next thereafter to be received by him for the use of Common Schools.

School Districts forming part of two adjoining Townships.

XXIV. And be it enacted, that whenever it may be necessary, or convenient, to form a district out of two or more adjoining Townships, the Superintendents of such adjoining Townships shall jointly regulate such district, and shall each visit the School therein established: and in such cases, or where any School-house shall stand on the division line of any two Townships, the Superintendent of either Township may examine into the qualification of any person offering to teach in such district, and may give him a certificate of qualification, and may annul the same, as hereinbefore provided.

Proceedings in case the Superintendent of a City, Town or Township

XXV. And be it enacted, that in case the Superintendent of any Township, Town, or City, shall not, on or before the first day of March in any year, transmit to the County Superintendent his report, as hereinbefore provided, it shall be the duty of the County Superintendent to give immediate notice of such neglect to the Chief Superintendent of Common Schools, and to the Warden, or Mayor, of such Town-

ship, Town, or City ; and the share of the School moneys apportioned to such Township, Town, or City, may, in the discretion of the County Superintendent of Common Schools, be withheld and be distributed amongst the other Townships, Towns and Cities in the County, from which the necessary reports shall have been received ; and the Superintendent neglecting to make such report, shall forfeit to the use of his Township, Town, or City, the sum of Ten pounds ; and when the share of school moneys apportioned to such Township, Town, or City, or any part of such moneys, shall thus be lost to the Township, Town, or City, the Superintendent guilty of the neglect aforesaid shall further forfeit to the Township, Town, or City, the full amount of the moneys so lost with interest, to be recovered of him and his sureties ; and it shall be the duty of the Township, Town, or City, Treasurer, upon notice of such loss from the County Superintendent of Common Schools, to prosecute without delay, in the name of the Township, Town, or City, for such forfeiture, and the moneys recovered shall be distributed and paid by such Treasurer, to the several School districts and parts of districts, in the same manner as it would have been the duty of the Superintendent to have distributed and paid the same, if received by him as Common School money.

shall fail to make his report.

XXVI. And be it enacted, that each Township, Town and City Superintendent shall keep a just and true account of all school moneys received and expended by him each year, and shall deliver the same to the Township, Town, or City, Clerk, to be by him laid before the Council ; and in case of the removal from office of any Township, Town, or City, Superintendent, or, in case of his resignation, or removal of residence from the Township, Town, or City, he shall immediately thereupon render to his successor in office a just and true account of all school moneys received and expended by him during the year, and of all balances in his hands, and shall forthwith pay over all such balances to his said successor, who shall appropriate the same in like manner as it should have been appropriated by such Superintendent had he remained in office ; and if any such vacancy shall happen by the death of any Superintendent, his personal representatives, or sureties, shall render such account and pay over such balance ; and every Superintendent who shall refuse, or neglect, to render such account or to pay over such balance, shall forfeit and pay the sum of Twenty Five pounds, which, together with such balance, so far as the same can be ascertained, and interest thereon, shall be recoverable from such Superintendent, or from his sureties, at the suit of such successor, whose duty it shall be to sue for the same in his name of office.

Such Superintendents to render accounts, pay over balances, etc.

Penalty for non-compliance.

XXII. And be it enacted, that the Township, Town, or City, Clerk in each Township, Town, or City, respectively, shall be the Clerk of the Superintendent of Common Schools for such Township, Town, or City, and he shall receive and keep all reports made to the Superintendent by the Trustees of School districts, and all books and papers belonging to the office of the Superintendent, and shall prepare, under his direction, all his reports, estimates, and apportionments of school money, and shall record the same and his other proceedings in a book to be kept for that purpose, and shall receive all such communications as may be directed to him by the Superintendent of Common Schools, and shall dispose of the same in the manner directed therein, and shall transmit to the County Superintendent all such reports as shall be made for him by the Township, Town, or City, Superintendent, and generally shall do and execute all such things as belong to his office and may be required of him by the Superintendent for his Township, Town, or City.

The Clerk of the locality to be the Clerk of the Superintendent for the same ; his duties as such.

XXVIII. And be it enacted, that it shall be the duty of every Township, Town, or City, Clerk to report in writing to the County Superintendent for the County in which his Township, Town, or City, may be situate, every appointment of a Township, Town, or City, Superintendent which may be made from time to time by the Township, Town, or City, Council, and the name and address of the person so appointed, and also every vacancy occurring in the said Office of Township, Town, or City, Superintendent, within seven days after such appointment or vacancy shall have taken place.

Further duties.

XXIX. And be it enacted, that there shall be a County Superintendent of Common Schools in each County, to be appointed by the Court of Wardens for such County, and to hold office during their pleasure ; and in case the Court of Wardens shall neglect, or refuse, to appoint such Superintendent at their first meeting in each year, or at their first meeting after any vacancy may have occurred, it shall and may be lawful for the Governor of this Province to make such appointment, and the person so appointed shall hold office until a successor shall have been appointed by the Court of Wardens, and shall have given the security required by this Act.

County Superintendents to be appointed and by whom.



Duty of the County Clerk in case the Office of County Superintendent be not filled, or become vacant.

XXX. And be it enacted, that it shall be the duty of the County Clerk within seven days after the close of the first meeting of the Court of Wardens, held in any year or after any vacancy in the office of County Superintendent may have occurred, to inform the Chief Superintendent of Common Schools whether the Court of Wardens have, or have not, appointed a County Superintendent of Common Schools; and in case they have made such an appointment, it shall be the duty of the said County Clerk, to acquaint the said Superintendent with the name and address of the person so appointed; and, in the event of any vacancy taking place, it shall be the duty of the County Clerk to make the same known to the Chief Superintendent forthwith.

County Superintendent to give security.

XXXI. And be it enacted, that each County Superintendent of Common Schools shall, before he enters upon the duties of his office, enter into a bond with two, or more, sufficient sureties, to such amount as shall be required by the Court of Wardens; and such bond shall be to the County, and the sureties shall be to the satisfaction of the Court of Wardens, and such bond shall be conditioned for the faithful performance of the duties of such Superintendent.

He shall examine persons wishing to become teachers.

XXXII. And be it enacted, that it shall be the duty of the County Superintendent of each County to examine all persons offering themselves as Candidates for teaching Common Schools within such County, and that in making such examination it shall be the duty of such Superintendent to ascertain the qualifications of the Candidate, in respect of moral character, learning and ability; and, if the County Superintendent shall be satisfied in respect to the qualifications of the candidate, he shall deliver to the person so examined a certificate signed by him, in such form as shall be prescribed by the Chief Superintendent of Common Schools.

Nature of the certificates of qualification to be granted by him.

XXXIII. And be it enacted, that the certificates so to be granted may either be general, in which case they shall be valid throughout the County, or special, in which case the Township, Town, or City, or School district, in which such applicant shall be authorized to teach, shall be specified; and such special certificate shall only qualify the person to teach within the place so specified.

General certificates to be valid until revoked.

XXXIV. And be it enacted, that such general certificate shall be valid until the same is annulled, or otherwise revoked, by the County Superintendent; and such special certificate shall be valid for the year in which it is granted, unless so annulled or revoked.

In what manner they will be revoked.

XXXV. And be it enacted, that the County Superintendent may annul whenever he shall see just cause to do so, any such certificate given by him or by any of his predecessors in office, or by any Township, Town, or City, Superintendent of Common Schools, giving at least ten days' notice in writing to the Teacher who shall hold it, and to the Trustees of the School district in which he may be employed, of his intention to annul the same; and that such annulling of any certificate shall not disqualify the Teacher to whom it was given, until a note in writing thereof, containing the name of the Teacher and the time when his certificate was annulled, shall be made by the County Superintendent and filed in the office of the Township, Town, or City, Clerk.

Re-examination of Teachers in certain cases.

XXXVI. And be it enacted, that the County Superintendent shall, so often as he shall be required thereto by the Chief Superintendent of Common Schools, and so often as such County Superintendent shall deem it expedient, require a re-examination of all or any of the Teachers in the County, for the purpose of ascertaining his, her, or their, qualifications to continue as such Teachers.

Aliens not to be teachers after a certain time.

XXXVII. And be it enacted, that from and after the first day of January, which will be in the year of our Lord, one thousand eight hundred and forty-six, it shall not be lawful for any Township, Town, City, or County, Superintendent of Common Schools, to grant any certificate to any person as a Teacher of a Common School, or of Common Schools, who shall not at the time of granting such certificate be a natural born, or naturalized, subject of Her Majesty, Her Heirs, or Successors.

County Superintendents to visit Schools.

XXXVIII. And be it enacted, that it shall be the duty of the Superintendent of Common Schools for each County, to visit all Common Schools therein at least once a year, and oftener, if he shall deem it necessary.

His duty at such visitations

XXXIX. And be it enacted, that at such visitations, the said Superintendent shall examine into the state and condition of the Schools, both as respects the progress of the scholars in learning, and the good order of the Schools, and may give his advice and direction to the Trustees and Teachers as to the government thereof, and the course of studies to be pursued therein.



XL. And be it enacted, that it shall be the duty of each County Superintendent to make an annual report to the Chief Superintendent of Common Schools, at such time and in such form as shall be appointed by the said Chief Superintendent; and also to furnish the said Chief Superintendent, from time to time, with all such additional information as he may require.

To report yearly to the Chief Superintendent.

XLI. And be it enacted, that each County Superintendent who shall refuse, or neglect, to make any such annual, or other, report at such time and in such form as the Chief Superintendent of Common Schools may require, shall forfeit the sum of five pounds for every such refusal or neglect; and such penalty shall be recoverable with costs from such County Superintendent, or from his sureties, or representatives, by a suit at law to be instituted within twelve months after such default, by the Chief Superintendent of Common Schools or by the Court of Wardens for the County; and any amounts so recovered shall be paid over to the Chief Superintendent of Common Schools, and shall by him be added to the moneys apportioned for the ensuing year to such County, and shall be distributed with the said moneys, and in like manner, between the several Townships, Towns and Cities in such County.

Penalties for refusal or neglect.

Appropriation of penalties.

XLII. And be it enacted, that whenever any School district shall be formed in any Townships, Town, or City, it shall be the duty of the Superintendent of Common Schools for such Township, Town, or City, within twenty days thereafter, to prepare a notice in writing describing such district, and appointing a time and place for the first School district meeting, and to cause copies of such notice to be posted in at least three public places in such School district, at least six days before the time so appointed for holding such meeting; and that after such first School district meeting, there shall be held a like School district meeting, on the second Tuesday of January in each year.

First meeting, and yearly meetings thereafter in each School District provided for.

XLIII. And be it enacted, that at each of the said School district meetings and at each annual School district meeting the resident freeholders and householders shall appoint a Chairman to preside at such meeting, and shall afterwards elect from amongst themselves three Trustees of the Common School of such School district, who shall hold office from the time of their election until the day for the election of Trustees for the next year, or until such time as their successors shall be duly elected or appointed; and if any vacancy shall happen within any year by death, removal from the Township, or refusal to act or take the oath of office, the Township Superintendent shall fill up the vacancy; and if the inhabitants of any School district shall neglect or refuse to attend such meeting, and if there shall be no election of Trustees, then such School district shall not receive any share of the money apportioned or raised for Common Schools in the year in which the default may be made, but the amount to which such School district would have been entitled shall be apportioned in like manner, and to the same purposes, as if the Trustees had been duly elected and had failed in making their reports, as hereinbefore provided.

Mode of holding and conducting such meetings.

Election of School Trustees.

Vacancies.

Case of failure to elect Trustees.

XLIV. And be it enacted, that it shall be the duty of the Trustees for each School district, and they shall be empowered and entitled,

Duties of such School Trustees.

1.—To have the custody and safe keeping of the Common School House for their district.

2.—To contract with, and employ all Teachers within the same.

3.—To give orders on the Township, Town, or City, Superintendent, in favour of such teachers, when qualified, for the amounts due to them for their Salaries, so far as the moneys in his hands applicable to their district shall be sufficient for that purpose; and to collect and pay over to the Teachers the residue of such salary, excepting such sums as may be collected by the Teachers from any persons liable therefore.

4.—To exempt from the payment of wages to Teachers such indigent persons within their district as they shall think proper, and to certify such exemptions and deliver the certificate thereof to the Township, Town, or City, Superintendent.

5.—To ascertain, by examination of the School lists kept by such Teachers, the number of days for which each person not so exempted shall be liable to pay for instruction, and the amount payable by each person.

6.—To make out a Rate Bill containing the name of each person so liable, and the amount for which he is liable; and by themselves or any one of them, or by

some person authorised by them in that behalf, to collect the amount rated against any person, or persons, charged on such Rate Bill, together with five per centum on such amount for the cost of collection, and to pay the amount so collected to the Teacher, or Teachers, entitled to receive the same ; and, in default of payment by the person so rated, to levy the amount by distress and sale of the goods and chattels of the person or persons making default.

7.—To regulate for such School the course of study, and the books to be used therein, and to establish general rules ; subject, nevertheless, to the approval of the Township, Town, or City, Superintendent : and provided always, that it shall not be lawful for such Trustees, or for the Chief, or other, Superintendent of Common Schools, or for any Teacher to exclude from any Common School or from the benefit of education therein, the children of any class or description of persons resident within the School district to which such Common School may belong.

Amount charged to any person on Rate Bill may be paid to the Teacher.

XLV. And be it enacted, that it shall and may be lawful for any person, or persons charged upon such Rate Bill, to pay the amount of the rate to the Teacher for whose remuneration the same was to be collected ; and the receipt of such Teacher, if produced to the Trustee, or Trustees, who have the collection of such rate, or to any Collector appointed by them, shall be a sufficient discharge for such rate.

Fuel for the School House. How provided.

XLVI. And be it enacted, that the said Trustees shall settle the proportion of Fuel which every person sending a child or children to such School, shall be liable to provide, and that the said persons so sending a child or children to such school, with the exception of those who shall be exempted as indigent by the said Trustees, shall be liable to furnish such proportion of Fuel ; and if they shall neglect to furnish the proportion aforesaid of such Fuel, the Trustees aforesaid shall furnish the same, and charge the value upon the said Rate Bill, and shall collect the same in like manner as other sums charged upon such Rate Bill.

Sums on the Rate Bill may be sued for in certain cases by the Trustees.

XLVII. And be it enacted, that if any person charged upon such Rate Bill shall not reside within such School district when such collection shall be made, and if there shall be no Goods and Chattels of such person within the district on which the said charge can be levied, to the knowledge of the said Trustees, the said Trustees may sue for and recover such charge of such person, by their name of office.

School Trustees to make Reports to the local Superintendents.

XLVIII. And be it enacted, that the Trustees of each School district shall, after the First day of January in each year, and on or before the First day of February thereafter, make and transmit a Report to the Township, Town, or City, Superintendent of Common Schools, through the Township, Town, or City, Clerk, and in the form which shall from time to time be directed by the Superintendent of Common Schools, dated on the First day of January in the year in which it shall be transmitted ; and every such Report shall be signed and certified by a majority of the Trustees making the same, and shall specify—

What such Reports shall shew.

1.—The whole time any School has been kept in their district during the year ending on the day previous to the date of such Report : distinguishing what portion of the time such School has been kept by a qualified Teacher, or Teachers.

2.—The amount of Moneys received from the Superintendent for the Township, Town, or City, during such year, and the manner in which such Moneys have been expended.

3.—The amount of moneys received from other sources, distinguishing the same ; and the manner in which such Moneys have been expended.

4.—The number of children taught in the district School during such year.

5.—The number of children residing in the district on the last day of December previous to the making of such Report, over the age of five years, and under the age of sixteen, and the names of the Parents or other persons with whom such children shall respectively reside, and the number of children residing with each.

Certain powers of the Trustees as to the School House in their District.

XLIX. And be it enacted, that all sums which shall be raised within any School district for the erection or repair of the Common School House therein, or for the necessary appendages thereto, shall be paid to, and expended and accounted for by the Trustees for such School district, in such manner as shall be appointed in any Bye-law of the Township, Town, or City, Council ; and any School House to be erected as aforesaid, shall be upon ground owned or to be acquired by the Township, Town, or City, for that purpose ; and the erection and repair of all such Com-

mon School Houses, shall be according to the plans and specifications adopted by the Township, Town, or City, Council, or in the absence of such plans or specifications, the expenditure for the said erection and repairs shall be at the discretion of the said Trustees.

L. And be it enacted, that in case any School district shall be formed out of two or more adjoining Townships, the Trustees thereof shall make their reports to the Superintendent of each of the said Townships; and shall set forth in the said reports the several particulars required by law, as the same may relate to the portions of the School district in each of the Townships respectively, in such form as shall be supplied by the Chief Superintendent of Common Schools.

Provision as to School Districts extending into more than one Township.

LI. And be it enacted, that in case of such formation of a School district out of two, or more, adjoining Townships, the amount to be raised for the purpose of the erection and repairs of the Common School House, shall be settled by Bye-law of the several Townships respectively; and in case the Township Councils of such Township shall not agree as to the amount so to be raised, the acquirement or position of the ground on which the School House is to be placed, or as to the plan or specifications for the erection or repairs of such School House, the Court of Wardens for the County shall and may, upon the representation of one or more of the Township Councils, pass a Bye-law concerning the matter in dispute, which shall have the same effect within the several Townships concerned as if the same were passed or enacted by the Township Councils respectively.

Further provisions.

LII. And be it enacted, that it shall and may be lawful for the Council of any Town, or City, in Upper Canada aforesaid, by any Bye-law, or Bye-laws, to be passed in that behalf, to establish within the Town, or City, one or more Schools in which children shall be taught gratuitously, or in which a rate of payment for tuition shall be required, or one or more Schools partly free and partly requiring payment for tuition, according to any such Bye-law, or Bye-laws.

The Council of any City or Town may establish Free Schools.

LIII. And be it enacted, that if in any Town, or City, a sum shall be raised and levied upon the whole rateable property therein, or on the rateable property of any portion or parts thereof, to an equal amount with the School money which under this Act would be apportioned to such Town, or City, according to the population thereof, in aid of the payment of the salary or wages of the Master, or Masters, of any School, or Schools; and if the Town, or City, Superintendent shall, within the time hereinbefore appointed for making the report of the Township, Town or City Superintendent, make a report of the whole number of such Town, or City, Schools established under any such Bye-law within his Town, or City, the number of children who shall have been taught in such School, the amount of money which shall have been received during the year previous to the making up such report, either from the public money appropriated as aforesaid for such Town, or City, or from the rates levied or assessed thereon, as well as from any fees or rates of payment for tuition in any such School, or Schools, and shall give such other information in such report as shall from time to time be required by the Chief Superintendent of Common Schools, the free and other Schools so established in such Town, or City, shall be held and considered as Common Schools within the meaning of this Act, and the public money which would be paid and distributed for the purposes of Common Schools within such Town, or City, shall be paid and distributed in aid of the Town, or City, Schools so established.

Such Free Schools to be considered as Common Schools on certain conditions.

LIV. And be it enacted, that in the Common Schools or Town, or City, Schools, established under this Act, no child shall be required to read or study in, or from, any Religious Book, or to join in any exercise of Devotion or Religion, which shall be objected to by his or parents, or guardians.

Children not to be required to use Religious Books objected to by their Parents.

LV. And be it enacted, that in all cases, wherein the Teacher of any such School shall happen to be a Roman Catholic, the Protestant Inhabitants shall be entitled to have a School with a Teacher of their own Religious Persuasion, upon the application of ten or more resident Freeholders, or Householders, of any School district, or within the limits assigned to any Town, or City, School: and in like manner, when the Teacher of any such School shall happen to be a Protestant, the Roman Catholic Inhabitants, shall have a Separate School, with a Teacher of their own Religious Persuasion, upon a like application.

Separate Schools may be established for the Protestants and Roman Catholics in any locality.

LVI. And be it enacted, that such applications shall be made in writing, signed with the names of each resident Freeholder, or Householder, and addressed and delivered to the Township, Town, or City Superintendent; and such applica-

Conditions and mode of establishing



such separate  
Schools.

tion shall contain the names of three Trustees, who shall be the Trustees of such Separate Schools ; and upon the compliance of such Trustees, and of the Township, Town, or City, Superintendent, with the requirements of this Act, such School shall be entitled to receive its share of the public appropriation, according to the number of children of the Religious Persuasion who shall attend such Separate School, which share shall be settled and adjudged by the Township, Town, or City, Superintendent, subject to an appeal to the County Superintendent ; and all such Separate Schools shall be subject to the visitations, conditions, rules and obligations, provided in this Act with reference to other Common Schools, or to other Town, or City, Schools established under this Act.

Model Schools  
may be esta-  
blished in the  
Counties.

LVII. And be it enacted, that it shall and may be lawful for the Court of Wardens of any County in Upper Canada aforesaid, if they deem it proper so to do, to raise and levy by county rate, a sum not exceeding in any year Two Hundred pounds, and to appropriate and expend the same for the maintenance of one or more County Model Schools within such County, and to constitute by a Bye-law, or Bye-laws, to that effect any Township, Town, or City, School or Schools within the County, to be, for any term not less than one year, such County Model School, or Schools ; provided always that by such Bye-law there shall be appropriated from the County Rates for the payment of Teachers and the purchase of books and apparatus for each School during every year for which the same shall continue to be a County Model School, a sum not less than forty pounds.

Proviso.

Allowance to  
be granted for  
such Model  
Schools on cer-  
tain condi-  
tions.

LVIII. And be it enacted, that whenever it shall appear to the satisfaction of the Governor of this Province, that any such Court of Wardens has thus appropriated and expended in any year, for the payment of a Teacher, or Teachers, and the purchase of books and apparatus, for such County Model School, or Schools, a sum not less than Forty pounds, it shall and may be lawful for the said Governor to issue his Warrant to the Receiver General of this Province, directing him to pay to the County Superintendent of such County, as a further aid towards the support of such School, or Schools during such year, a sum equal to one half of the amount so raised and expended ; Provided always, that there be not thus granted in any year, for the support of such Schools in any one County, a larger sum than Fifty pounds, and also that the whole amount thus to be granted in any year for the support of County Model Schools in Upper Canada, do not exceed Five Hundred pounds.

Such sum to  
be paid out of  
the Common  
School Fund.

LIX. And be it enacted, that the Chief Superintendent of Common Schools, before making the yearly distribution of the Common School Fund, as hereinbefore provided, shall deduct from the same the aggregate of all amounts thus advanced for the support of County Model Schools during the preceding year.

How such  
sums shall be  
expended.

LX. And be it enacted, that all moneys to be thus granted from the Common School Fund in aid of County Model Schools, shall be expended by the County Superintendent receiving the same, or by his successor in office, in the payment of Teachers and the purchase of books and apparatus for such schools exclusively, and within the year for which the same shall have been granted ; and any such moneys not thus expended, shall be recoverable, with interest and costs, from any County Superintendent into whose hands the same may have passed, or from his sureties, or representatives, by a suit at law to be instituted at any time during the year next after that within which the same should have been so expended, by the Chief Superintendent of Common Schools ; and it shall be the duty of the said Superintendent forthwith to institute such suits in his name of office, at all times when occasion may arise ; and any sums so recovered from any County Superintendent, shall be carried by the said Chief Superintendent of Common Schools to the account of the Common School Fund, before proceeding to make his distribution of the same for the year ensuing.

How Teachers  
shall be ap-  
pointed for  
Model Schools

LXI. And be it enacted, that it shall not be competent for the Trustees of any Township, Town, or City, School, constituted as aforesaid a County Model School, to appoint any person to be a Teacher in the same, unless with the special approval in writing, by the County Superintendent, of their selection of such person as a Teacher, and also of the terms of their engagement with him ; nor yet to make any regulations for the internal administration of such School, unless in like manner approved in writing by the said County Superintendent : And the said County Superintendent shall have power at any time to suspend or dismiss any such Teacher if he shall consider it necessary to do so, and to appoint any person to be a Teacher to fill any vacancy which the Trustees may refuse or neglect to fill up

Regulations  
for Model  
Schools.

within thirty days after he shall have notified them of the same ; and also to make and enforce any regulations he may see fit to make for the internal administration of such schools.

LXII. And be it enacted, that whenever a Normal School shall have been established and shall be in operation in Upper Canada, no person shall be appointed to be a principal Teacher in any County Model School, who shall not have produced to the County Superintendent a certificate of qualification signed by some one or more of the Professors, or Principal Teachers, of such Normal School.

Teachers to be examined by Professors of Normal Schools when established.

LXIII. And be it enacted, that at every such County Model School gratuitous instruction shall be afforded to all Teachers of Common Schools within the County wherein such Model School may be established, during such periods and under such regulations as the County Superintendent may from time to time direct.

Teachers to be instructed gratuitously in Model Schools

LXIV. And be it enacted, that it shall and may be lawful for any Township, Town, or City, Superintendent, subject to the approbation of the Township, Town, or City Council, to establish within any Township, Town, or City, not having a County Model School established therein, a Township, Town, or City, Model School ; and to appropriate for its support out of the School Fund of such Township, Town or City, a sum in each year not exceeding Twenty-Five pounds over and above the sum to which such School would otherwise be entitled as a Township, Town, or City, School under this Act: Provided always that any sum so to be appropriated shall be expended in the payment of a Teacher, or Teachers, exclusively.

City, Town or Township Model Schools may be established.

LXV. And be it enacted, that whenever a Normal School shall have been established, and shall be in operation in Upper Canada, no person shall be appointed to be a Principal Teacher in any Township, Town, or City, Model School, who shall not have produced to the Township, Town, or City, Superintendent a certificate of qualification signed by some one or more of the Professors, or Principal Teachers, of such Normal School.

Teachers to be examined by Professors of Normal Schools when established.

LXVI. And be it enacted, that at every such Township, Town, or City, Model School gratuitous instruction shall be afforded to all Teachers of Common Schools within the Township, Town or City wherein such Model School may be established, during such periods and under such regulations as the Township, Town, or City, Superintendent may from time to time direct.

Gratuitous instruction to be given in the Model Schools to Teachers.

LXVII. And be it enacted, that the Chief Superintendent of Common Schools shall submit annually to the Governor of this Province, on or before the first day of August in each year, a report of the actual state of the Normal, Model and Common Schools throughout Upper Canada, shewing the amount of Moneys expended on such Schools, and from what sources the same have been derived, with plans of their improvement, and such other statements and suggestions relating to education generally as the said Chief Superintendent may deem useful and expedient, in order that the same may be laid before the Legislature at the meeting thereof then next following.

Chief Superintendent to report annually to the Governor, on the Normal and Model Schools

LXVIII. And be it enacted, that no provision in the foregoing enactments, rendering the apportionment of moneys out of the Common School Fund, in any year, conditional upon the making of any Report, or the performance of any duty for, or during, the preceding year, shall apply to or affect the apportionment of any such moneys to be made for the year one thousand eight hundred and forty-four : any thing in the said enactments to the contrary notwithstanding : Provided always, that if no Act be passed during the present Session for constituting Courts of Wardens in the several Counties of Upper Canada or Township, Town, or City, Councils in the several Townships, Towns, or Cities, therein, then and until an Act be passed for the said purpose, all the powers which by the preceding sections of this Act would be vested in the Court of Wardens for any County, or in the Township Council for any Township, shall be and are hereby vested in the District Council for the Municipal District in which such County, or Township, may be, and such Municipal District shall be substituted for such County, or Township, for the purposes of this Act, and all the powers which would be vested in the Town, or City, Council of any Town or City shall be and are hereby vested in the Common Council or Board of Police of such City, or Town, or other corporate body exercising municipal authority in and for the same, and the officers and persons to be appointed by such District Councils, Common Council, Board of Police, or Corporate Body, under the powers aforesaid, for the purposes of this Act, shall respectively

Certain provisions of this Act not to affect the apportionments of public moneys for 1844.

If no Act be passed in this Session for constituting Courts of Wardens or Councils, the powers, &c., granted by this Act to be vested in existing Municipal Institutions.

have the same powers, duties and liabilities as if they had been appointed for like purposes in the manner provided in and by the foregoing sections of this Act.

Interpreta-  
tion clause.

LXIX. And be it enacted, that the word "Governor" wherever it occurs in this Act, shall include the Governor, or any Person Administering the Government of this Province; and the word "Teacher" shall include a Female as well as a Male Teacher, except when applied to the Teacher of a Normal School, or of a Model School, in which case it shall apply to a Male Teacher only.

Commence-  
ment of this  
Act.

LXX. And be it enacted, that the foregoing enactments of this Act shall have force and effect upon, from and after the first day of January, one thousand eight hundred and forty-four, and not before.

The Act 4 & 5,  
V. c. 18, re-  
pealed, as far  
as it relates to  
Upper Canada  
Excepting cer-  
tain clauses.

LXXI. And be it enacted, that the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled: "An Act to repeal certain Acts therein mentioned, and to make further provision for the Establishment and Maintenance of Common Schools throughout this Province," shall upon, from and after the day last aforesaid, be repealed, in so far as relates to that part of this Province called Upper Canada, in and with regard to which it shall upon, from and after the said day have no force or effect, excepting always the first, second and third sections of the said Act, and so much of the twenty first section as provides for the due accounting for the application of the moneys appropriated by the second and third sections of the said Act.

## CHAPTER XXII.

### ANNUAL REPORT OF THE ASSISTANT SUPERINTENDENT OF EDUCATION ON THE COMMON SCHOOLS IN UPPER CANADA, 1842.

TO HIS EXCELLENCY SIR CHARLES THEOPHILUS METCALFE, GOVERNOR GENERAL OF CANADA.

MAY IT PLEASE YOUR EXCELLENCY,

I have the honour to submit to Your Excellency the annual Report on the actual state and condition of the Common Schools throughout Canada West, for the year 1842, as required by the fifth division of the fourth section of the Common School Act, 4th and 5th Vict. Chapter 18.

Immediately upon issuing the Commission appointing a Superintendent of Education, and two Assistants, the apportionment of the Common School Fund was attended to. But as this apportionment required to be made according to the then last Census of the Province, and finding that the last Census of Canada West was taken in 1841, and the then last Census of Canada East in 1831, and finding also that the apportionment in the ratio of those different returns of the Census would have done a manifest injustice to Canada East, it was proposed to divide the £50,000 granted by the Legislature for the year 1842, between the two sections of the Province, in the proportion of three to two. This proposal having been acceded to by the Executive Government, £30,000 was set off for Canada East and the remaining £20,000 for Canada West.

This preliminary arrangement being completed, the £20,000 for Canada West was apportioned amongst the several Municipal Districts therein, and the City of Toronto, in proportion to the inhabitants in each, under sixteen years of age. This rule was adopted because the Census for 1841 did not give the population between five and sixteen as required in the School Bill.

The calculations for the apportionment of the Common School fund amongst the several Municipal Districts and the City of Toronto, were furnished, and the result intimated to their respective Treasurers, on the 23rd day of May, 1842, and at the same time a certified copy of the apportionment was lodged with the Receiver General.



The next business immediately required of the Superintendent after making this intimation, was the preparation of suitable forms of the several reports as required by the Statute. 1st. For the Quarterly Reports by the Visiting Commissioners to the Township Commissioners. 2nd. By the Township Commissioners to the District Council. By the District Councils to the Chief Superintendent. These several forms were completed and sent to the District Clerks for distribution on the 29th June, 1842.

When engaged in the preparation of these forms, it was observed that the time appointed by the law for giving in the Annual Reports of the Township Commissioners to the Municipal Councils, was after the several Councils, in November, 1842, would have finished their sittings and therefore without departing from the time mentioned in the Act for these reports, there would not have been a report from any District in Canada West for 1842, unless a special meeting of the Council had been called for that particular purpose.

For these reasons, and with the view of securing full reports for the whole of the first year under the new School Bill, the several periods for giving in the reports were changed, so that the whole operations in 1842, might be reported by the Councils in February, 1843, to the Superintendent. For this reason the forms for Quarterly Reports by the Visiting Commissioners to the Township Commissioners, were ordered to be given in on the second Tuesday in April, July, October and January. The forms for the annual Reports of the Township Commissioners to the District Council, to be given in on or before the fourth Tuesday in January, and the annual report by the Municipal Councils to the Chief Superintendent, on or before the third Tuesday in February, 1843.

Having notified the apportionment of the Common School fund to the several Treasurers, and having forwarded the forms of reports to the District Clerks for distribution among the Commissioners in their respective Townships, the next duty required by the Superintendent by the Statute was the annual Visitation of the several Municipal Districts. This duty became the more necessary to receive early attention, as it appeared from the correspondence with the Education Office, that there was in general, great ignorance among Common School Commissioners and Teachers regarding the provisions of the School Bill.

In contemplating this duty it was found impossible to visit every School District, as this would have required the whole year visiting more than five schools every two hours during the usual time of teaching, which was quite impracticable. Neither was it practicable to visit every Township, for this would have required the whole year visiting one Township every lawful day.

From this consideration, it was resolved to intimate to the several District Clerks the time when their District would be visited, and request them to inform the Teachers of the intended visit, and to urge their attendance in the District Town, at the appointed time, and with them at least one Commissioner from each Township.

*First.* This method of visiting the Municipal Districts was considered to be the only practicable way by which these visits could be made serviceable to all parties interested therein. The most prominent points which presented themselves, as deserving special attention at these meetings, were :—

1st.—To explain to Teachers and Common School Commissioners whatever difficulties they might have met in the School Bill, either as interesting themselves, personally, or that might tend to encourage them to carry the Bill, so far as practicable, into full and efficient operation. With this view, the Commissioners and Teachers, and all present at these meetings, were invited to put such questions as they thought proper, in order to elicit the information they required. This exercise was continued so long as any individual present had any further question to propose, and the meetings were, in this manner, frequently occupied for several hours. These explanations appeared, in general, to be pleasing to the District Meetings, and their approbation was frequently shown in the most unequivocal and gratifying manner. Many of the District Meetings were attended by the Warden and some of the Councillors, who kindly assisted in eliciting information, and in explaining the provisions of the Bill, and shewed that they had the subject deeply at heart.

*Second.* To ascertain the Books which were recommended by the Commissioners in each Township to be used in the Schools their charge, as directed in the fourth division of the seventh section of the School Bill. It was found that in many Townships the Commissioners had not attended to this important part of their duty. The Teachers under such circumstances, having been left to name their own, or rather to teach such books as the Parents chose to send. In several instances it has been stated by Teachers in the Public District Meetings, that there were only two or three old tattered fragments of books in their Schools, considered as common

property, and used by all in attendance, the Parents refusing to purchase books, from the conviction that the fourth division of the fifth section of the School Bill provided for the supply of school books by assessment on the Townships. Where the Commissioners have nominated the books, it is generally found that the Teachers are not obliged to use no other books, these being recommended only in so far as practicable, which is generally interpreted by the people to mean, so far as they are obliged to purchase new books, which is rarely the case, while they have any old books on hand. From these circumstances, Teachers seldom have the power of forming their pupils into classes in any part of their studies, and therefore cannot excite that emulation which is so necessary in carrying forward the education of youth. Besides, many of the books in use are both old and antiquated, and ill comport with the improvements of the nineteenth century. In a few instances, the Commissioners have employed the Teachers in the Townships, as a body, to submit to them a list of the books which they would recommend in the several departments of an English education. These lists have, in general, been as judicious as the present means of supply in the Province would admit of.

*Third.* To ascertain the course of study, and the general rules for the conduct of the Common Schools, as prescribed by the Commissioners. The course of study not having been pointed out in any written instruction given to the Teachers, only a very confused idea has been formed on the subject. The only data upon which to proceed being the books prescribed to be used in the schools. But, even here, there is no order pointed out. The pupil may, for anything to the contrary contained in the instructions, commence his studies wherever he has a mind, and prosecute them in whatever order pleases himself. The general rules for the conduct of Schools have, in most instances, been better than those for the course of study. Yet, even here, there is often such vagueness in one instance, and such minuteness and unnecessary particularity in another, that the whole may be considered as a perfect anomaly in a General System of Education. It has very frequently been urged, both by Common School Commissioners and Teachers, that the appointment of the books, prescribing the course of study, and the general rules for the regulation of Common Schools should emanate from the Superintendent. But all direct interference in these matters has been declined on the ground, that the duties which they thus wished to devolve upon him were legally vested in the Common School Commissioners. This circumstance is mentioned, not with any view to disparage either the zeal or devotedness of the Commissioners to discharge their duty, but simply to shew the feeling regarding these important regulations, and to free the Township Commissioners from one part of their arduous duty, which, in the majority of cases, they have neither time nor experience to discharge to their own satisfaction.

*Fourth.* To impress upon Teachers the great responsibility of their station in society, and the necessity for the strictest propriety in their walk and conversation, both in and out of school. This resolution was adopted, because the impression on the public mind for many years past respecting Common School Teachers appears to have been that these men are, in general, as low in their prudence and morality as they are in their pecuniary resources. It was certainly expected, from the rumors which had gone into circulation, that many melancholy proofs of the truth of these impressions would have shown themselves openly during the annual visitation of the several Municipal Districts. But it is due to the Teachers who attended these meetings, thus publicly and officially to state that, with three individual exceptions, they conducted themselves with great propriety, and left a most refreshing impression that, in these respects, they were far superior to what report had said regarding them. The duties of Teachers, and the responsibility of their stations in society were set before them, as briefly and forcibly as possible, at the public Meetings, and their feelings on the occasion were, without any public exception, those of esteem and gratitude. The fact cannot be denied, that the position occupied by Teachers has, in the great majority of cases, been the most unpropitious. Boarding for a few days at a time with the several families by whom they are employed, and the changing from house to house, their minds have become dissipated, and private study has generally been altogether neglected. But even where this has not been the system, and where the Teachers have boarded themselves, their income generally has been such as to oblige them to live in the lowest taverns, and consequently to associate with the lowest and most dissipated characters in the neighbourhood. By this daily intercourse with barroom politicians, and bar-room divines, they insensibly become assimilated to them in their manners, views and habits, and are thus rendered utterly disqualified for conducting the education of youth. But Teachers had no alternative. They had not the means to enable them to choose either their place or their company. Their income neither enabled them to live in respectable lodgings, nor to associate with respectable society. Neither the Government nor the People have yet provided for Teachers the comfort of a dwelling house, where they might be at home, and enabled to devote their leisure hours to the advancement of education by the improvement of their own minds. These things are, therefore, evidently not what they ought to be in any Province of the British Empire. Because, whatever is adverse to the comfort and respectability of Teachers stands directly opposed



to the education of youth, and consequently to the power of the Civil Government, and the moral respectability of the people.

*Fifth.* It was intended to have spent one day with the Teachers at every District meeting in the exercise of the Normal School, with the view of leading them to adopt the best methods of communicating instruction to their pupils, and of exercising discipline in their Schools. But during the first part of the annual visitations, it was found to be impracticable to engage with advantage in the exercises, as many of the Teachers urged the necessity of being permitted to return home on the evening of the first day of the meeting from the want of funds to pay their expenses if they were detained another day. Under these considerations, it was found necessary to abandon for a season what appeared so desirable a part of the annual visitations. The importance of this duty was however generally alluded to, and a hope held out that it might be undertaken at some future period. Another advantage anticipated from these exercises was, that they would afford to the Superintendent an opportunity of ascertaining generally the qualifications of Teachers. Many of the Teachers, perhaps even a majority of the whole in Canada West, have received only a very limited education, and even that not unfrequently obtained in Schools where none of the modern improvements in education had been introduced, thus leaving them in a great measure without sufficient knowledge either to communicate instruction or to exercise discipline to the best advantage. It is generally admitted that the art of teaching is so different from requirements in literature, that a man may in knowledge be a philosopher, and yet in the art of communicating instruction to others he may still be a child. For this reason Normal Schools are eagerly sought after in several of the Municipal Districts in the Province, to qualify Teachers for the discharge of their arduous and important duties. These, and similar considerations, led to the conviction that some effort should be made by the Superintendent during the District visitations to introduce the Normal training, without which the present generation of Teachers must pass away, and perhaps their successors in office, before the modern system of education finds its way into more than a very few of our Common Schools. But by introducing the system of annual lessons to Teachers on the best methods of communicating instruction, and exercising discipline, it was hoped that an excitement would have been given to personal exertion and private study, which might have told almost immediately on the education of the rising generation.

By the fifth division of the fourth section of the School Bill, the Superintendent is required to address to such persons as shall be employed in carrying the provisions of the Act into effect, such suggestions as may tend to the establishment of uniformity in the conduct of Common Schools throughout the Province.

But while every Township has its own Commissioners vested with full power to determine the qualifications of Teachers, the course of study, the books to be used in their respective Townships, and the general rules for the management of Schools, all hope of establishing any uniform system of education is utterly vain. By the present method, more than three hundred different systems of education might be in operation in Canada West, changing every year, and how these can be harmonized, and reduced into one uniform system by the suggestions of an individual who has no power to enforce any improvement however valuable, or to correct a single absurdity, however glaring, is altogether unintelligible. To bring about a result so desirable, would not only require a person of judgment and discretion, but also that his hands should be strengthened by the strong arm of the law.

Another important duty required of the Superintendent, is to show the actual state and condition of Common Schools, with the money expended on them, and from what sources derived.

Much care has been bestowed to collect information to elucidate this very important point, but from the want of the annual Reports from the Municipal Councils it must necessarily prove very unsatisfactory.

From the twenty Municipal Districts in Canada West, only six annual Reports have been received at the Education Office, and even these have not been filled up in such a manner as to afford the statistical information requisite to make up a satisfactory Report.

The most important information which has been received under this head, is connected with the division of the Municipal Districts into School Districts, and their occupation by Teachers, from which a few calculations are subjoined.

All the Municipal Districts, with the exception of the Johnstown, have been divided either in whole or in part, into School districts. The whole number of School districts reported for 1842, is 2,245, of which 1,169 have been returned as having had Schools in operation, and leaving 1,076 School districts without Teachers altogether.



There are 315 Townships in the Western Section of the Province, of which 245 have been divided into 2,245 School districts, which gives an average of 9.849 School districts in each Township. But this average multiplied by 70, the number of undivided Townships, gives 641, which, added to 2,245, gives 2,886, which may be considered as the number of School districts in Canada West, exclusive of the Corporate Towns.

The money to the Corporate Towns from the School Fund for 1842, was £1,289 2s. 6½d., which being taken from £20,000, leaves £18,710 17s. 5½d. But £18,710 17s. 5½d. divided by the number of School Districts, gives £6 9s. 8d. as the average to each School District, from the School Fund, over the Western Section of the Province.

Again, the population between five and sixteen years of age, of all the Corporate Towns in Canada West, by the Census of 1842, is 8,841, which being taken from 14,443, the whole population between the same ages, leaves 132,302, and this population divided by 2,886, the number of School districts gives very nearly 46, the children in each School district on an average of the whole.

It appears by the annual Report for 1842, from the Municipal Councils, that there are 278 School districts, in which the time the School have been kept open, the average attendance, and the number of children therein between five and sixteen years of age have been given. In these 278 Schools, there has been an average annual attendance of 4,617 children, between five and sixteen years of age, or 16,608 in each School. It also appears that these 278 School districts contain a population of 17,829 between the ages of five and sixteen. Therefore only one child out of every 3-8399, or very little more than one in four, has attended regularly during the year.

It has already been shown that the average number of children from five to sixteen years of age in each School district is 46, which divided by 3.83.99 gives 11.979, or very nearly 12 scholars in regular attendance in each School district. But 12 scholars attending regularly at 1s. 3d. per month, amounts to £9 per annum.

From these calculations the following appear to be some of the more obvious conclusions :—

*First.* That the School districts have, in many instances, been made so small, that the people finding that they could not support a Teacher without incurring an expense which they were not prepared to bear, opposed the operation of the School Bill, and left their children altogether without the means of education in nearly one half of the School districts that have been formed by the Municipal Councils in Canada West. In other cases the emoluments offered to Teachers were both so inadequate and so precarious, that many of the best qualified Teachers have resigned their Schools and betaken themselves to other pursuits to earn a livelihood for themselves and families. The number of efficient Teachers has thus been diminished, while the number of School districts was greatly increased. In short, contrary to every rule laid down by the Merchant and Political Economist, the price has fallen as the demand increased. There can be no stronger evidence than this, that there is something radically wrong in the present system.

*Second.* That the average income of Teachers, per annum, arising from the three sources provided in the present Bill, as far as the statistical information extends, would be only £21 9s. 4d, viz., £6 9s. 8d. from the District Assessment, and £9 from tuition fees. But under the former School Laws, the Teachers in most of the Districts received 10s. per quarter, for each child in attendance, which would give £24 per annum, in place of £21 19s. 4d. under the present system. But suppose there was a regular attendance of twenty-four scholars on an average in each School district, which is not too high an estimate, then under the present Act, the Teacher's income would be £30 19s. 11d., whereas under the former Acts it would have been £48, independent of the Government Grant. The Teacher, therefore, through the multiplication of School districts, does not find that the School Fund and District Assessment are an adequate compensation for the reduction made in the tuition fees.

*Third.* If £60 should be considered an average income for the Teachers of Common Schools, which is evidently too low an estimate, considering the rate of wages given to other classes of the community, there would remain £38 0s. 8d. on an average, to be made up for the Teachers support in School districts. But £38 0s. 8d. multiplied by 2886, the number of School districts, gives £109,460 4s. 0d. to be supplied annually in Canada West, for which no provision is made in the present Statute. But the defects in the present School Bill have operated powerfully to diminish the average attendance of children, and consequently to increase the deficiency in the Salary of Teachers.

The subjoined Statistical Schedule will show the state of the School, in so far as information has been received, in a much more comprehensive manner than can be done in words.

The next duty required of the Superintendent in his annual Report, was to give plans for the improvement of Schools,

From the time the School Bill of 1841 came into force it was found utterly impracticable to carry out its provisions, and therefore the attention of the Executive Government was early directed to the best method of remedying the defects of that Statute, so as to advance the cause of Education. The Executive having now matured their views on the subject, and being prepared to submit to the Legislature a new Educational Bill, it is considered under these circumstances to be unnecessary to enter upon this part of the Report at present.\*

It is, however, most respectfully suggested that no legislative enactment on this subject, which does not provide for the better ascertaining the qualifications of Teachers, for securing them in a reasonable maintenance, and for protecting them against injustice, can ever materially advance the cause of Education in the Province.

KINGSTON, 20th October, 1843.

ROBERT MURRAY,  
Assistant Superintendent, Canada West.†

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\* For particulars as to the action of the Executive Government in regard to this Common School Act of 1841, see page 233, *ante*. See also the remarks of the Home District Council on the unpopularity of the Act on page 222, and also the measure to supersede it, so far as Upper Canada was concerned, introduced into the House of Assembly by the Hon. Francis Hincks, pages 232 and 239.

† It will be noticed that on the preceding page 264 Mr. Murray, in speaking of the evil effects of Teachers having, from want of sufficient income, to board themselves at the lowest Taverns, said that they had thus "consequently to associate with the lowest and most dissipated characters in the neighborhood. By this daily intercourse with bar-room politicians and bar-room divines, they insensibly became assimilated to them, etc. The expression here used of "Bar-room divines," was indeed a singular one. Mr. Murray, before his appointment, was known as an anti-temperance writer. His Lectures on "Absolute Abstinence" were very severely criticised in the *Christian Guardian* by Doctor Ryerson in 1839. (See *The Story of My Life*, page 247.)

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STATISTICAL SCHOOL SCHEDULE

No. of School dis- tricts.	Municipal District.	Number of Schools open in 1842.	Average time the Schools have been Open.	Average Atten- dance of Scholars from 5 to 16.
163	Eastern .....	112	10 $\frac{1}{4}$ Months	3,287
36	Ottawa .....	21	11 $\frac{3}{8}$ "	589
100	Bathurst .....	74	10 $\frac{1}{4}$ "	1,666
70	Dalhousie .....	58		
...	Johnstown .....	No Returns		
163	Midland .....	72		
87	Victoria .....	24		
94	Prince Edward .....	73		
179	Newcastle .....	69		
65	Colborne .....	75		
320	Home .....	196		
....	Simcoe .....			
152	Gore .....			
196	Niagara .....	114	7 $\frac{1}{2}$ Months	3,053
75	Talbot .....	No Returns		
102	Brock .....	62		
66	Wellington .....	24	5 $\frac{8}{8}$ Months	21
177	London .....	125	9 "	2,458
37	Huron .....	10		
153	Western .....	71		
	<i>Corporate Towns.</i>			
	Cornwall .....	6	9 $\frac{1}{2}$ Months	
	Brockville .....			
	Kingston .....			
	Belleville .....			
	Picton .....			
	Cobourg .....			
	Port Hope .....			
	City of Toronto .....			
	Hamilton .....			
	London .....			

Not divided into  
School districts in  
1842.



FOR 1842.—Continued.

Average Annual attendance. Ages 5 to 16 years.	Number of children under 16, by the Census of 1841.	Number of children from 5 to 16 years by Census of 1842.	Apportionment from School Fund for 1842.	Apportionment from School Fund for 1843.	General Conduct of Teachers	General Progress of Scholars.
			£ s. d.	£ s. d.		
2,799	15,201	8,632	1,303 1 2	1,223 3 1 <sup>1</sup> / <sub>4</sub>	Good	Satisfactory.
565	4,246	2,303	363 15 2 <sup>1</sup> / <sub>4</sub>	326 6 8 <sup>3</sup> / <sub>4</sub>	do.	do.
1,422	12,014	6,404	1,028 5 1	907 8 11 <sup>3</sup> / <sub>4</sub>	do.	do.
.....	8,310	4,436	711 18 6 <sup>1</sup> / <sub>4</sub>	628 11 7 <sup>1</sup> / <sub>4</sub>	.....	.....
.....	16,328	8,631	1,398 16 8 <sup>3</sup> / <sub>4</sub>	1,223 0 3 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	15,995	8,027	1,370 7 10 <sup>3</sup> / <sub>4</sub>	1,137 8 6 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	6,269	3,704	537 1 5 <sup>3</sup> / <sub>4</sub>	524 17 1 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	7,505	3,943	642 19 2 <sup>3</sup> / <sub>4</sub>	558 14 5 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	14,887	7,830	1,275 7 8 <sup>3</sup> / <sub>4</sub>	1,010 10 3 <sup>1</sup> / <sub>4</sub>	.....	.....
.....	6,416	3,984	549 13 3 <sup>3</sup> / <sub>4</sub>	564 10 8	.....	.....
.....	33,427	17,537	2,863 14 6 <sup>3</sup> / <sub>4</sub>	2,284 19 11 <sup>1</sup> / <sub>4</sub>	.....	.....
.....	.....	3,963	.....	561 11 2	.....	.....
.....	22,630	11,995	1,938 14 9	1,699 13 10 <sup>3</sup> / <sub>4</sub>	.....	.....
1,879	16,938	10,297	1,451 1 11 <sup>1</sup> / <sub>4</sub>	1,459 1 9	Good	Satisfactory
.....	4,938	3,428	423 0 10 <sup>1</sup> / <sub>2</sub>	485 14 11 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	6,461	4,933	553 10 5	706 1 10 <sup>1</sup> / <sub>4</sub>	.....	.....
94	7,133	4,326	611 1 10	612 19 11	Good	Satisfactory
1,847	14,031	8,789	1,202 7 6	1,245 8 0 <sup>3</sup> / <sub>4</sub>	do,	do.
.....	2,546	1,815	218 2 4 <sup>1</sup> / <sub>8</sub>	257 3 8 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	11,817	7,275	1,012 7 6	1,030 17 4 <sup>1</sup> / <sub>4</sub>	.....	.....
.....	.....	.....	.....	.....	.....	.....
127	636	452	54 9 8 <sup>3</sup> / <sub>4</sub>	64 0 11 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	.....	563	.....	79 15 6 <sup>1</sup> / <sub>8</sub>	.....	.....
.....	2,808	1,669	240 11 3 <sup>1</sup> / <sub>2</sub>	236 9 11 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	612	440	52 8 7 <sup>1</sup> / <sub>4</sub>	62 6 11 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	498	302	42 13 3 <sup>3</sup> / <sub>4</sub>	42 15 11 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	922	439	78 19 9 <sup>3</sup> / <sub>4</sub>	62 4 1 <sup>3</sup> / <sub>8</sub>	.....	.....
.....	.....	322	70 4 0	45 12 6 <sup>1</sup> / <sub>2</sub>	.....	.....
.....	6,349	3,299	543 18 6	467 9 4 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	1,507	792	126 2 1 <sup>1</sup> / <sub>8</sub>	112 1 8 <sup>3</sup> / <sub>4</sub>	.....	.....
.....	896	564	76 15 2 <sup>3</sup> / <sub>4</sub>	79 18 4 <sup>1</sup> / <sub>2</sub>	.....	.....
.....	233,451	141,143	£20,000 0 0	£20,000 0 0	.....	.....

## CHAPTER XXIII.

## THE COMMON SCHOOLS AND THE DISTRICT COUNCILS—1841-1843.

Lord Sydenham, the first Governor General of United Canada, in 1841, was very desirous that Municipal Institutions should form part of the new Constitution, which was framed for Canada, when the two Provinces were united in 1840. He, therefore, strongly recommended to the Colonial Secretary, (Lord John Russell), that these institutions should be established by the Imperial Parliament in the Union Act passed in that year. Sections of the proposed Bill were framed with that intent, and sent to England by Lord Sydenham. But, during the discussion on the subject in the British House of Commons, they were withdrawn, as being more properly a subject for local legislation.

This having been so decided, Lord Sydenham had an Ordinance of the Special Council of Lower Canada framed, which established Municipal Councils in that Province. On the basis of that Ordinance, he had a Bill drafted to establish Municipal Institutions in Upper Canada. This Bill, having been submitted to the Parliament of United Canada, was, after much discussion and opposition—chiefly by a combination from Upper and Lower Canada, passed in August, 1841.\* The title was: "An Act to provide for the Better Internal Government of . . . Upper Canada, by the establishment of Local, or Municipal, Authorities Therein."

Speaking of the opposition which the passage of this Bill encountered in the House of Assembly, His Honour Judge Robert S. Woods of Chatham, in his Book on "Harrison Hall, and Its Associations," says:—

From personal observation as a young man, attending the first Session of the Parliament of United Canada, at Kingston, I can recall the passage of this Municipal Act, and the fierce struggle on the floor of the House in which it was carried . . . The Bill came from the Honourable W. H. Draper's Government, from which the Honourable Robert Baldwin had retired on the first day of the Session . . .

The Bill was resisted with great bitterness as a measure introducing democracy, with universal suffrage and its attendant evils, while some opposed it as . . . a fatal enlargement of the power of the Executive. It was called "liberal without precedent," republican and democratic . . . Sir Allan Macnab, the Honourable Messieurs John S. Cartwright, Robert Baldwin and others, under the rule of these leaders, opposed it. Mr. Baldwin moved the "six months' hoist."

Mr. Baldwin also opposed the Councils having the power to borrow any sum of money upon the credit of their respective Municipal Districts . . . and this power was not given to them . . . He, however, in 1849 gave us a more enlarged system of Municipal Institutions . . . (Pages 19-20).

\* Sir Francis Hincks, in the "Reminiscences of His Public Life," (1881) referring to this measure, said that it, being substantially the same as the Lower Canada Ordinance, . . . The Lower Canadian Members . . . had no desire to support any measure emanating from the Government to which they were in strong opposition. Mr. Baldwin grounded his opposition to the Bill on the appointment by the Crown of the Warden, Treasurer and Clerk, instead of by the Municipal Bodies. . . . Sir Allan Macnab and his friends opposed it as being too popular. (Pages 63, 64.)

This Act has only one reference in it to Education, and that was in Section 39 to authorize the District Municipal Council to "provide for the establishment of, and a reasonable allowance for the support of Schools." The Common School Act, however, which was passed at the same Session of the Legislature, in 1841, contained, in Section five, the following provisions relating to District Councils :—

V. And be it enacted, That the District Council of each District, shall be a Board of Education of such District, and their duties as such Board shall be :—

*Firstly* :—To divide the several Townships and Parishes within their District into School districts, to be designated by numbers, as one, two, three, and so on : (Provided always, that no such School District shall be established in which there be fewer than fifteen children between the age of five and sixteen years resident therein,) and forthwith to furnish a full report of such division of the District, with a proper description and designation of boundaries to the Superintendent of Education : and also to furnish a specification of the School districts, in each Parish, or Township, to the Township School Commissioners to be appointed for the same, in the manner hereinafter provided.

*Secondly* :—To apportion and distribute to each of the said School districts its share of the School Fund, which share shall be proportionate to the number of Children, between the ages of five and sixteen years, resident in such School districts respectively.

*Thirdly* :—To apportion and cause to be assessed on the inhabitants of such School district a sum not exceeding Fifty pounds for the erection of a School-house in each School district in which none exists ;

*Fourthly* :—To apportion to each Township and Parish, a sum not exceeding Ten pounds, in any one year, to be expended in the purchase of such Books as may be required.

*Fifthly* :—To report their proceedings in matters relating to Common Schools and the state of such Schools within the District, to the Chief Superintendent annually, on, or before, the first Monday in December in each year.

In its capacity of a Board of Education, the Council exercised a general supervision over the Common Schools in the District. From the following Report of the Home District Council,\* it will be seen what that kind of supervision was ; and also how imperfectly the Trustees of the Common Schools, in those days, discharged the duties devolved upon them by the Common School Act of 1841. The School Commissioners spoken of in the Report were those which were elected to manage the Common Schools in a Township.

*The Standing Committee on Education of the Home District Council beg to report as follows :—*

That Returns, according to the printed form furnished by the Chief Superintendent of Education, have been received from only twelve Townships in the Home District ; from these Returns, it appears, that there are in the Township of King, six Schools in operation, and 157 children in attendance.

These Returns are very imperfectly filled up, and the number of children in each School district, between the ages of five and sixteen years is rarely stated,—the column for that information being generally filled with the words "not known."

Your Committee are desirous that the School Commissioners for the Townships throughout the Home District should be made aware of the necessity that exists for these returns being made punctually and correctly, and that, for the time to come, unless the necessary information be furnished from each School district, the Council will be precluded by the Common School Act, from apportioning any money to those Townships where the School Commissioners shall have neglected their duty.

\* Except these proceedings of the Home District Council under the School Act of 1841, none of those of other District Councils are available. The proceedings of this Council may, therefore, be taken as an example of similar proceedings of other District Councils, in like circumstances. They also illustrate the great value of these Councils, as factors in the educational progress of Upper Canada in these early days.



The number of children, from five to sixteen years of age, is the basis upon which the distribution of the public appropriation is directed by the Statute to be made ; therefore, if the School Act is to guide the Council for the future, that number must be ascertained, or no money can be paid over.

This distribution is made in proportion to the number of children under sixteen years of age in each Township, according to the Census of 1841,—the rule by which the Chief Superintendent of Education was governed in apportioning the Legislative Grant to the several Districts of the Province ; any further subdivision of the School fund your Committee recommend being left to the School Commissioners in their respective Townships,—with the direction that they apply the money only in liquidation of the Teachers' salaries.

Your Committee would also recommend that the fees for tuition, as regulated by Statute, and now due, should be collected by the Teachers, as far as possible ; and that, upon their making a return of defaulters to the Collector of their respective Townships, the Collectors should take the proper steps to enforce the payment ; and to prevent the recurrence of that difficulty, it should not be compulsory upon any School Master to receive a child into his School unless the fee of 1s. 3d. be paid monthly and in advance,—such child not being exempted by the proper authority, and declared to be a free scholar

The Petition from the Township of Reach, asking for the sum of £3 for books, has also been under the notice of the Committee ; that Township having had its due proportion of the School Fund, the Council have no more to give.

The proportion of the school money belonging to the new District of Simcoe, now in the hands of our Treasurer, should be paid over to the Treasurer of that District, at once, in order to its proper application.

Your Committee have also had under their consideration the application of the additional sum, in aid of Grammar Schools, which His Excellency the Governor-General had decided upon giving to the Home District, as stated in the communication from the Assistant Provincial Secretary to the Treasurer. The Committee would recommend that the sum be applied in establishing a second Grammar School in the District, at a distance from this City. It has been brought under the notice of your Committee that a small fund, applicable to a similar purpose, if the School be located in the Township of Toronto, has accumulated in the hands of Trustees ; these sums united would be sufficient wherewith to make a commencement, and other reasons have been assigned which may lead the Council to think favourably of that locality.\*

TORONTO, 17th of February, 1843.

J. W. GAMBLE, Chairman.

*A Bye-Law imposing a Tax upon the Inhabitants of certain Townships, to be applied to the Building of School Houses therein, and for defraying the expense of Fuel, Furniture, etcetera.*

WHEREAS by an Act passed by the Legislature of this Province, intituled : "An Act to make further provision for the Establishment and Maintenance of Common Schools throughout the Province," it is, among other things, enacted that it shall be the duty of the School Commissioners in those Townships where there is a want of School Houses, or where those hitherto used are inconveniently situated, to acquire fresh sites and erect new School Houses ; and for that purpose to furnish estimates of the probable costs of the same, together with estimates for fuel, repairs, furniture, or other necessary expenses attendant upon keeping the School Houses in their Townships in a proper condition for occupation.

1. Be it therefore enacted by the Warden and Councillors of the Home District, That, in order to raise the money required for the above mentioned purpose, and to defray the expenses of raising, levying, and collecting the same, the Assessors in each and every Township aforesaid in this District for the present year shall, and they are hereby required, to furnish the Clerk of the District Council, within one calendar month from and after the passing of this By-law, a certified copy of the Assessment Roll of their respective Townships.

2. And be it further enacted, That the Collectors of the said Townships shall, and they are hereby authorized and required, to ask, demand, and receive, from all persons named in the said Rolls, the sums therein stated as their proportion of said assessment, and to raise, levy, and collect the same, in the same manner as the other assessed taxes are now raised, levied, and collected, and shall pay the same over to the Treasurer of the District.

3. And be it further enacted, That the Treasurer of the District shall keep a Book, containing an account for each School district in every Township, and enter the sums paid into his hands by said Collectors, and shall pay over (after deducting expenses) any balance due to the

\* The proposed Grammar School, here mentioned, was established by the District Council in the Village of Newmarket. (See page 274, post)

School districts respectively, upon receipt of the Warrant, to the School Commissioners for the Townships in which such School district shall situate, pursuant to the provisions of the before recited Act.

#### REQUESTS FOR AID TO SEPARATE AND OTHER DENOMINATIONAL SCHOOLS.

The Committee on Education of the Home District Council, (as the Board of Education,) had before it, in August, 1843, a Petition from the Trustees of the Roman Catholic School in the Township of Brock, praying to be allowed a portion of the public money applicable to School purposes in School division No. 4, in that Township.

The Committee, having considered the matter, reported that it did not appear to the Committee that the District Council could interfere in behalf of the Petitioners. The course of proceeding necessary for them to pursue in order to obtain the desired aid is clearly laid down in the School Act, and is altogether irrespective of any power to be exercised by the District Council.

These remarks also apply to the Petition from the School Commissioners of the Township of East Gwillimbury, in which they complain, that a number of persons in that Township, of different Religious Denominations, had united, with the view of employing a favourite Teacher, and had sought to effect their purpose by representing themselves as "dissenting" from the religious creed of the majority of the inhabitants of that Township,—thus endeavouring to bring themselves within the provisions of the 11th Section of the School Act, 1841, and to obtain from the public funds the means of supporting such Teacher, although otherwise intelligible in that capacity, under the present School Act. The Petition under consideration from the School Commissioners of East Gwillimbury, represents this division as likely to prove disastrous to the Schools in four adjoining School districts,—the number of scholars in those districts being, by this defection, reduced below the number required to entitle them to a portion of the public money. That the 11th Section of the School Act of 1841 was never intended to be applied in the manner above stated, there cannot be a question; neither are your Committee of opinion that it will admit of a construction that would thus be made to frustrate the very intentions of the Act itself; but, at the same time, they cannot recommend the Council to interfere further in the matter, than enjoining upon the Treasurer of the Home District to exercise due vigilance in seeing that the provisions of the the School Act are being fully complied with, when called upon to pay money from the School fund, otherwise than upon the Warrants of School Commissioners.

#### MISCELLANEOUS SCHOOL CASES ARISING REFERRED TO THE TOWNSHIP COMMISSIONERS.

1. The petition from Mr. James Wilson and others in the Township of Albion, praying that a certain house built by them may be made the School House for that School district;

2. The petition from the inhabitants of district No. 2, Township of Brock, praying that the amount of their School tax may be given to a female Teacher employed by them, involve matters coming so immediately within the proper province of the School Commissioners of those Townships, that, in our opinion, any interference on the part of the Council would be unwise.

3. The inhabitants of School district No. 4, in Georgina, pray, that, being unable to build a School House before winter, the amount of School tax paid by them be retained for their benefit until the House is erected—A request most reasonable in itself, and which your Committee cannot but suppose the School Commissioners of that Township will accede to.

The Committee are aware that the expenditure of the money is, by the School Act, made a principal part of the duty of the Township Commissioners, and the interference of the Council (as a District Board of Education) in such matters, unless indeed in cases of gross misapplication, would only produce appeals to them upon the most trivial occasions, whenever all parties were not exactly satisfied, or any malcontent imagined that some advantage might be derived by such appeal. Your Committee would, therefore, recommend, as a general rule, that the Council should abstain from interfering in matters placed by the School Law under the direction and control of the School Commissioners of Townships, in accordance with the general spirit and intention of the School Act of 1841, which evidently designed to make those functionaries alone responsible for the proper discharge of their duty to the people by whom they were elected.

#### MANUAL LABOUR INSTITUTION SEEKS MUNICIPAL AID AND GENERAL SUPPORT.

Your Committee have now to notice an application made to the Council, signed by Mr. James Hunter, Chairman, on behalf of the Board of Directors of the Canada Union Manual Labour Institution, praying for the favourable influence and support of the Council, and that they would deem it worthy of being recommended to the Governor General and Legislature for the grant of

a Charter. This scheme of uniting Manual Labour with the communication of useful knowledge, originated in a well known School in Switzerland, conducted by Pestalozzi, and several experiments of a similar description have been tried in the United States; your Committee are not sufficiently acquainted with the results of those experiments to feel assured of the success of such an institution in this District. . . . Nevertheless, this much they would say, that, upon the first view of the proposed scheme, it does appear to them, one well adapted to the circumstances of this Country, and calculated to meet the wants of a large portion of our population.

These observations are made as to the general principle upon which the institution is based, videlicet: the union of Manual Labour with the acquisition of knowledge; and, in this, your Committee desire to be distinctly understood, as not pledging themselves by approval of the details of the measure, or of the rules and regulations by which it is proposed to carry the system into operation.

J. W. GAMBLE, Chairman.

TORONTO, 11th of August, 1843.

#### DIRECTIONS IN SCHOOL MATTERS FOR THE GUIDANCE OF DISTRICT COUNCIL OFFICERS.

At a Session of the Home District Council, held in November, 1843, the following Resolution for the guidance of certain of the District Council Officers were passed, on motion of Mr. J. W. Gamble, seconded by Mr. E. W. Thomson:—

*Resolved* 1. That, in all cases where the Township Officers have neglected, or refused, to perform the duty imposed upon them by any Bye-Law of this Council, and the rate assessed upon any School district, in consequence of such neglect, or refusal, has not been collected, the Clerk be directed to proceed legally against such Officers for the recovery of the penalty imposed for such neglect, or refusal.

*Resolved* 2. That the Treasurer be directed to advance, from the general fund of the District to the School Commissioners of the Township of Etobicoke, the sum of Twenty-Five pounds, and to the Commissioners of the Township of Whitby the sum of Fifty pounds, to be repaid from the assessment for School purposes directed to be made and collected in those Townships and which is not as yet available in consequence of the neglect of the Assessors in performing their duty.

*Resolved* 3. That the Treasurer of the District be directed to place the Government appropriation for Common Schools for the current year, so soon as the same shall be received, to the credit of the several School districts respectively, ascertaining the amount for each district, from the number of children between the ages of five and sixteen years, as shewn by the return of the School Commissioners of the Township, allowing 2s. 9d. for each child.

#### GRAMMAR SCHOOL ESTABLISHED IN THE VILLAGE OF NEWMARKET.

Whereas the sum of £75 has been placed by His Excellency the Governor General, in the hands of the Trustees of the Grammar School in the Home District, for the purpose of being applied towards the support of a Grammar School, in such manner as the Municipal Council may direct; and this Council having determined, by its vote in the session of February last, that the same shall be applied in aid of a second Grammar School, other than the one now in operation in the City of Toronto, be it:—

*Resolved*, That the said sum of Seventy-Five pounds be appropriated for the support of such second Grammar School, to be located in the Village of Newmarket, in the Township of Whitchurch, provided that the inhabitants of that locality, within one year from this date, comply with the conditions contained in the 4th and 5th Victoria, Chapter 19, Section 6, \*by providing a suitable School House, and that the Treasurer of the District be directed to apply to the Trustees for the payment of the said sum to be retained by him for the purpose above mentioned.

That an Address be transmitted to His Excellency the Governor General, acquainting him with the decision of this Council, and that the standing Committee on Education be instructed to draft and report such Address.

\*This Act provided for the application of the proceeds of the sale of School Lands. See pages 55-57 of this Volume.



## CHAPTER XXIV.

## PROCEEDINGS OF THE COUNCIL OF KING'S COLLEGE, 1843.\*

*February 1st, 1843.*—The Bursar placed on the Table the following statement of the unappropriated funds of King's College on the 1st day of February, 1843.

	£	s.	d.
Provincial Debentures.....	38,181	15	5
Stock of the Bank of Upper Canada.....	250	0	0
Stock of the Gore Bank.....	187	10	0
Balance in the Bank of Upper Canada.....	1,071	9	8½
Interest due on Debentures.....	219	0	0
	£39,998	8	6
Deduct loan from Bank of Upper Canada.....	4,200	9	0
	£35,798	8	6

(No quorum ; there being only three Members present.)

*February 8th, 1843.*—The following Letter from Captain Bagot, Private Secretary to the Governor General and Chancellor was read :—

I am directed by the Chancellor of the University of King's College to acquaint you, for the information of the Honourable Council of King's College, that the Honourable William H. Draper, having declined the appointment of Professor of Common and Civil Law in the University, the Chancellor, for the present, suspends filling up this appointment and which is to be considered as still vacant.†

H. BAGOT, Private Secretary.

KINGSTON, 29th December, 1842.

Mr. George P. Ridout applied to the Council to receive from him certain lands, in payment of a debt by Colonel Wells, late Bursar. The matter was referred to the Honourable Messieurs John S. Macaulay and Levius P. Sherwood, to investigate and report thereon.

The Bursar reported that, in order to obtain the necessary funds to transmit to England, as directed, £1,750 sterling, to procure Books and Apparatus, and also to pay the salaries of the new Professors, he has borrowed £4,200 currency from the Bank of Upper Canada, on his own promissory note ; and, on the note becoming due, on the 1st of February, 1843, he had paid off £1,200, with the interest, which had accrued, and renewed the note for £3,000, payable on the 1st of March. The Council approved of the arrangement detailed in the Bursar's Report.

The subject of certain arrears, due to Upper Canada College, brought under the consideration of Council by the Honourable Levius P. Sherwood, on the 23rd of November last, was adverted to. The following Committee was appointed to investigate these claims, and to suggest and enforce measures for their recovery, videlicet : The Principal of Upper Canada College, the Honourable Captain J. Simcoe Macaulay, and the Honourable Mr. Justice Levius P. Sherwood.

*February 22nd, 1843.*—The Bursar reported the following statement of the unappropriated funds of King's College on Wednesday, 22nd February, 1843.

	£	s.	d.
Provincial Debentures.....	38,181	15	5
Stock of the Bank of Upper Canada.....	250	0	0
Stock of the Gore Bank.....	187	10	0
Balance in the Bank of Upper Canada.....	17	4	1
Balance in the Bursar's hands.....	203	6	4½
Interest due on Debentures.....	229	0	0
	£39,068	15	10½
Deduct Loan from the Bank of Upper Canada.....	3,000	0	0
	£36,068	15	10½

\*For Minutes of the King's College Council for 1842, see page 164, *ante*.

†Mr. William Hume Blake, afterwards Chancellor of Upper Canada, was subsequently appointed Professor of Civil Law in the University.

*March 7th, 1843.*—The following Letter from the Reverend Doctor McCaul was read :—

I have to request, that you will be so good as to communicate to the Council of King's College, that His Excellency, the Governor General has been pleased to accept my resignation of the office of Principal of the Upper Canada College, and to sanction my withdrawal at the end of this quarter. In the temporary arrangement, which it will be requisite to make for the discharge of the duties, until my Successor has been appointed, I would gladly offer my assistance ; but I am persuaded that there is barely sufficient time, even with the utmost exertion, to complete the preparations for the opening of the University on the day announced.

I should but do justice to my feelings, at the close of my connection with the Council, as the Head Officer of their Minor College, if I did not avail myself of the opportunity to express my grateful sense of the advantage which I have derived from the assistance, which has uniformly been given to me by them, whenever I have brought anything under their notice, and the freedom which I have ever enjoyed, of introducing and carrying out whatever I considered calculated to promote the efficiency and welfare of the Institution under my charge.

JOHN MCCCAUL.

TORONTO, 3rd of March, 1843.

After the reading of this Letter, the Reverend Doctor McCaul took his seat in the Council as Senior Professor in King's College University, and subscribed to the usual Declaration.

The Bursar announced the arrival from England, on the 15th of February last, of the Reverend Doctor James Beaven as Professor of Divinity in the University of King's College.

A Letter was read from Professor Croft, dated this day, suggesting the purchase of various articles for the use in his department of Chemistry and Experimental Philosophy, and for the Pathological and General Museums. The Letter was referred to Dr. Widmer, to carry out, at his discretion, the suggestions of Professor Croft.

*March 15th, 1843.*—The Council passed the following Resolution :—

*Resolved,* That the Reverend Charles Mathews, M.A., be requested to take charge of Upper Canada College, and perform the duties of Acting Principal of the same until such time as His Excellency the Governor General and Chancellor shall be pleased to supply the vacancy.

\* An application was read from Mr. J. M. Hirschfelder offering himself as a Teacher of Hebrew in the University of King's College. (Deferred.)

An application was received, through the Reverend Henry Scadding, M.A., from the Masters of Upper Canada College, asking permission to place a portrait of the Reverend Doctor McCaul in the Public Room of the College,—to which the Council willingly assented.

*March 29th, 1843.*—The Bursar reported that the unappropriated funds of the College available on this day were £37,019 6s. 6d. (Details, as on page 275, are not inserted.)

The following Letter from Captain Bagot, Private Secretary of the Governor-General and Chancellor was read :—

I am directed by His Excellency the Chancellor of King's College to acquaint you, for the information of the College Council, that he has been pleased to accept the resignation of the Reverend Dr. McCaul as Principal of Upper Canada College.

H. BAGOT, Private Secretary.

KINGSTON, 16th of March, 1843.

*April 1st, 1843.*—Mr. Justice Sherwood, from a Committee on the subject, explained the result of his interview with the Solicitor of the College, on the subject of Mr. George P. Ridout's proposal, which was submitted to the Council on the 8th of February and referred to this Committee.

After much consideration it was proposed to advance for the use of Mr. Ridout the sum of £1,350, on the premises in the City of Toronto, which he has offered to convey to the Corporation of King's College. This advance is to be made for the purpose of securing the payment of £1,000 which Colonel Wells owes the Corporation and the payment of which last sum by Colonel Wells could not be expected to be made so soon as by the present arrangement. The land is to be conveyed by Mr. Ridout in fee, and the premises, or any part of them, are to be sold, or made use of by the Council for their own convenience. It is, therefore,

*Ordered,* that the Solicitor of the Corporation take a valid title in fee, which must be submitted to the Council, and, if it be approved, the Council will direct the sum of £1,350 to be paid by the Bursar, at such times, and to such persons, as may appear proper.

(NOTE.—This property was transferred to the College on the 6th instant.

*April 4th, 1843.*—At this Meeting of the Council no business of importance was transacted.

*April 8th, 1843.*—At this Meeting of the Council no business of importance was transacted.

#### INTERREGNUM IN THE MEETINGS OF THE KING'S COLLEGE COUNCIL, APRIL–SEPTEMBER.

There is no further entry in the Minute Book of the King's College Council until the 25th of September, 1843, when the Meetings of the Council were resumed. In the meantime, the Parliament Buildings were repaired and put in order for the reception of the Classes of the University of King's College. On the 8th of June, 1843, the Inauguration of the University took place: and it was on that day, opened for the reception of Students. From a pamphlet published by the Council at the time, the following condensed particulars of the ceremonies observed at the opening of the Institution are taken.

## CHAPTER XXV.

### OPENING OF KING'S COLLEGE UNIVERSITY ON THE 8TH OF JUNE, 1843.

The Council of the University, having obtained permission from his Excellency the Governor General, and the Executive Council, to occupy the former Parliament Buildings, Toronto, until the erection of their own edifice was sufficiently advanced, to afford the necessary accommodation, determined to commence the work of instruction in King's College with as little delay as possible.

They were prevented, however, from doing so at as early a period as they had desired, owing principally by the severe and protracted illness of the Chancellor, the Right Honourable Sir Charles Bagot, which subsequently terminated in his lamented death.

On Thursday, the 8th of June, 1843, the opening of the University took place. On that day, the Chancellor's Chair remained unoccupied, as Sir Charles Bagot, the Chancellor, was not able to be present.

Inaugural Addresses were, however, delivered by the Right Reverend Doctor Strachan, the President, the Reverend Doctor McCaul, the Vice President, the Honourable Chief Justice Robinson, and the Honourable Mr. Justice Hagerman.

#### THE RIGHT REVEREND DOCTOR STRACHAN'S HISTORICAL ADDRESS.

The Honourable and Right Reverend Doctor John Strachan, Bishop of Toronto, President of the University, in opening the proceedings said:—

I feel very sensibly that no light duty is laid upon me on this auspicious day. We are assembled to celebrate the opening of the University of King's College,—an event to which many have been looking forward for nearly half a century. It is a consummation of the greatest importance to the well-being of this great Colony, and the proceedings with which it is attended will henceforth become a matter of history. I can, therefore, in no better way, commence the business of the day, than by giving a brief narrative of its rise and progress, from its first dawning to the present



hour. The time will come when every, the smallest particular respecting the origin of this Institution—the delays it had to suffer, and the obstacles it had to surmount—will become matter of the deepest interest to its many sons.

ORIGINAL SETTLEMENT OF UPPER CANADA BY THE LOYALISTS.—LORD DORCHESTER.

When the independence of the United States of America was recognized by Great Britain in the peace of 1783, this Province became the asylum of those faithful subjects of the Crown, who had, during the Revolutionary War, adhered to their King, and the unity of the Empire. And it is pleasing to remark, that in 1789, a little more than five years after their first settlement in Upper Canada, they presented a Memorial in accordance with the same noble principles to his Excellency Sir Guy Carleton, then Lord Dorchester, and Governor General of British North America, on the subject of Education; in which Memorial—after lamenting the state of their children, growing up without any instruction,—religious or secular—they requested his Lordship to establish a respectable Seminary at Kingston, which was, at that early period, the principal Town in this division of the Colony.

To this representation Lord Dorchester paid immediate attention, and gave directions to the Surveyor-General to set apart eligible portions of land for the future support of Schools in all the new settlements of Upper Canada.

THE CONSTITUTIONAL ACT OF 1791.—LIEUTENANT GOVERNOR SIMCOE.

Those lands, however, remained unproductive; the settlers were few in number, and thinly scattered; and, before any substantial benefit could be derived from such reservations, the Constitutional Act of 1791 was passed, dividing the Province of Quebec into Upper and Lower Canada, and conferring upon each a distinct and separate government.

Soon after the passing of this Act, General John Graves Simcoe—a Gentleman of great piety, literature and science, and most devoted to the welfare of the Province—was appointed Lieutenant Governor. After exploring its resources and making himself well acquainted with its wants, he applied himself earnestly to the Religious and Secular Education of the people.

Unfortunately for Upper Canada, his personal administration of the Government was of short continuance; and, before he was able to complete the establishment of a Seminary of Learning, adequate to the requirement of the Colony at that time, he was removed to a higher government; and after his departure the project was dropped,—and forgotten.\*

IMPERIAL LAND ENDOWMENT OF EDUCATION IN 1797.—A UNIVERSITY PROJECTED.

At length the Legislature, in their Session of 1797, took up the subject of Public Instruction, and agreed, in a joint Address to the Imperial Government, imploring that His Majesty would be graciously pleased to direct the proper authorities in the Province to appropriate a portion of the waste lands of the Crown for the purposes of Education,—that such lands, or part thereof, should be sold in order to produce a sufficient fund for the purpose of erecting and endowing a respectable Grammar School in each District of the Province, and likewise a College, or University, for the instruction of the youth of the whole Province, in the different branches of liberal knowledge. This was the first time that a University was publicly mentioned as necessary for the Colony, and it has never, from that time to this, the day of its happy consummation, been forgotten; but has occasionally been mentioned as one of the most important objects that could be desired for the well-being of the Country.

To this Address an answer was immediately returned by his Grace the Duke of Portland, then Secretary of State for the Colonies, communicating in the kindest terms, His Majesty's readiness to shew his parental care for the welfare of his subjects, and informing the Legislature of His Gracious intention to comply with their wishes, by establishing Grammar Schools where required, and, in due time:—

“Other Seminaries of a larger and more comprehensive nature, for the promotion of religious and moral learning, and the study of the Arts and Sciences.”

PROCEEDINGS OF THE GOVERNMENT OF UPPER CANADA, IN REGARD TO THIS GRANT.

Orders were, at the same time, sent to the Honourable Peter Russell, then at the Head of the Government of Upper Canada, to consult the Executive Council, the Judges, and the Law Officers of the Crown, and to call upon them to report in what manner and to what extent a

\* See pages 6-14 of the First Volume of this Documentary History.

† *Ibid* pages, 16-28.

portion of the Crown Lands might be appropriated and rendered productive for such important purposes. These Gentlemen drew up a very interesting Report on the subject, and recommended that, as soon as the sale of the lands could be made available, four Grammar Schools should be established,—one for each of the Districts into which Upper Canada was, at that time divided. The Report likewise recommended the founding of a University at Toronto, (then York), as the most central position, whenever the Province should require such an Institution, and that one half, at least, of the Lands set apart, be reserved for its support.

Owing to the small value of land, it was soon discovered that the sum required would far exceed any fund that could be expected from the appropriation ; that, in fact, the whole of the Grant, consisting of more than half a million of acres, would scarcely suffice for a single Grammar School. All further proceedings were, therefore, postponed until the increase of population, and the growing settlements made the lands more valuable.

#### THE FIRST GRAMMAR SCHOOL LAW OF UPPER CANADA IN 1807.

This prospect, however, was so distant, that the Legislature began to feel it necessary,—limit-d as were the funds at its disposal,—to do something effectual towards the promotion of Education. A law was accordingly passed in 1807, establishing a Grammar School in every District, in which the classics and mathematics were to be taught ; and, thus a commencement of education was made of great importance to the Country.\* Had the revenues of the Province admitted, or had the Lands become sufficiently available, so good a spirit prevailed, that the University would have been commenced at the same time. But this not being the case, the Legislature wisely determined in favour of District Grammar Schools, as more generally useful in the then state of the Province than a higher Seminary, because at them such an education might be obtained as would qualify young men for the different professions. Moreover, such Schools would become excellent nurseries for the University, when it was necessary to establish it.

The advantages anticipated from the establishment of the District Grammar Schools, have been more than realized, and the wisdom of the Legislature fully justified in preferring them to Seminaries of higher name ; for, during the period of thirty-six years, in which they have been in operation, they have sent forth hundreds of our youth,—many of whom are now eminent in their professions, and would do credit by their talents and acquirements to any Literary Institution.

#### REPRESENTATION OF THE UNIVERSITY IN THE UPPER CANADA LEGISLATURE, 1820.†

Though necessarily delayed, the prospect of establishing the University was never lost sight of ; for in 1820, when a law was passed to increase the Representation in the Commons House of Assembly, it was among other things provided, that whenever the University was established, it should be represented by one Member.

#### GENERAL BOARD OF EDUCATION FOR UPPER CANADA ESTABLISHED IN 1822.

In 1822, his Excellency Sir Peregrine Maitland invited the attention of His Majesty's Government to the unproductive state of the School Lands, and obtained leave to establish a Board for the General Superintendence of Education throughout the Province, and to place at its disposal, for the support of new Grammar Schools where they might be wanted, a portion of the reserved Lands, retaining a sufficient endowment for the University. The duties assigned to this General Board were various and important. All the Schools in the Colony were placed under its care, and the President was required to make occasional visits to the different Districts of the Province, in order to ascertain, on the spot, the actual state of the Common and District Grammar Schools ; to correspond with the local authorities respecting Education in their respective vicinities ; to recommend proper School Books, and thus introduce uniformity of system through the whole Country. During its short continuance, from 1822 to 1832, the Board was most active and useful ; but the Colony increased so rapidly, under the administration of that excellent and amiable Governor, Sir Peregrine Maitland, in wealth and population, that the want of a University became every day more evident ; and yet, after it was felt almost universally to be required, even in the opinion of the most indifferent, there was no prospect of a productive endowment. We were greatly discouraged by observing that even the General Board of Education could not, with the most unremitting exertions, dispose of their Lands at any reasonable price ; for, so long as the Government continued to confer grants gratuitously on all applicants capable of becoming useful settlers, there were few or no purchasers.‡

\*For the first Grammar School Act, See page 60, 61, of the First Volume of this Documentary History.

† For the proceedings of the Legislature in this matter see pages 138-142 and 169-174 of the First Volume of this Documentary History ; also page 134 of the Second and page 303 of the Third Volume.

‡ See pages 1-15 of the Third Volume of this Documentary History.

## MOVEMENT IN FAVOUR OF A UNIVERSITY FOR UPPER CANADA.—SCHOOL LANDS EXCHANGED.

The cry, however, for the University, became daily more urgent, and the more respectable inhabitants very justly complained that they was not in, in either Province, an English Seminary above the rank of a good School, at which a liberal education could be obtained. And thus the youth of more than three hundred thousand British subjects had no opportunity of receiving instruction in the higher branches of knowledge.

To the necessity of supplying this deficiency, the attention of the Provincial Government was, in 1823, most anxiously directed, and, as an available endowment was the great desideratum, a method of securing one in a very short time was happily discovered. From the first settlement of the Province, two-sevenths of all the lands in the settled Townships had been reserved,—one for the maintenance of a Protestant clergy, called Clergy Reserves—the other still remained for special purposes, at the disposal of Government, and were called Crown Reserves. These latter, being still vested in the Crown, had become, in many places, very valuable from the settlements around them, and, if brought into the market, would command reasonable prices, much more than the lands which had been originally appropriated for the Grammar Schools and University, which had been carelessly selected, and continued, from their remoteness, almost unsaleable. Now, to secure a competent endowment for the University, it was submitted by Sir Peregrine Maitland to His Majesty's Government to exchange a portion of the School Lands for a like quantity of Crown Reserves. For the mere purpose of granting lots to settlers, the School Lands were as valuable to the Government as were the Crown Reserves; but such an exchange, if it could be effected, would place at His Excellency's disposal an endowment which might be made almost immediately available for the University.

## THE REVEREND DOCTOR STRACHAN'S MISSION TO ENGLAND IN 1826, 1827.

After examining the proposal, Sir Peregrine Maitland gave it his cordial approbation; but, not deeming it within his power to make the exchange without special instructions, he determined to refer the matter to the King's Government, and, at the same time, to apply for a Royal Charter for establishing the University. As local information and many explanations might be required, instead of confining himself to writing on the subject, His Excellency committed the duty to me of soliciting, in person, such Royal Charter and Land endowment.

Entrusted with this agreeable commission, I left Toronto (then York,) on the 16th of March, 1826, and reached London on the 27th of April, and lost no time in bringing the objects of my journey under the notice of His Majesty's Government.

## INCIDENTS OF OBTAINING THE ROYAL CHARTER FOR KING'S COLLEGE.

It is impossible for me to express in suitable language the gratitude I then felt, and still feel, to the late Lord Bathurst and Sir Robert Wilmot Horton, of the Colonial Office, for the warm interest they took in forwarding the measures I had in view. Nor am I under less obligation to James Stephen, Esq., at the same time Law Adviser to the Colonial Department, and now Under Secretary of State. Mr. Stephen not only suggested, but assisted me in drawing up, the articles proper to form the basis of the Charter. Indeed, without his kind and able advice and assistance, I must have failed. He was indefatigable in removing difficulties and in meeting objections raised against the principles upon which we deemed it wise to construct the Royal Charter; all of which he could the more easily do, from his great legal knowledge and intimate acquaintance with similar documents. His friendly advice and aid were the more acceptable as they were cordially and readily given, and never intermitted when required, through the whole time that the Charter was under consideration.

The charter of the University of King's College was not hastily settled. It was nearly a whole year under serious deliberation. It was repeatedly referred to the late Archbishop of Canterbury, the Most Reverend Doctor Manners, who doubted the propriety of assenting to an instrument so free and comprehensive in its provisions. It was considered not only the most open Charter for a University that had ever been granted, but the most liberal that could be framed on constitutional principles, and His Majesty's Government declared that, in passing it, they had gone to the utmost limit of concession.

## PROCEEDINGS IN UPPER CANADA ON OBTAINING THE ROYAL CHARTER OF 1827.

On my arrival in this Province in 1827 with the Charter and authority for the endowment, the Chancellor, Sir Peregrine Maitland, lost no time in forming the College Council. Schedules of the Lands were prepared, and, in obedience to His Majesty's commands, they were secured by patent to the Corporation of the University of King's College.



In his Speech from the Throne, on the 15th January, 1828, His Excellency informed the Legislature that His Majesty, (King George the Fourth), had been graciously pleased to issue His Letters Patent, bearing date at Westminster, the fifteenth day of March, in the eighth year of His Reign, establishing in the Province a College, with the style and privileges of a University, —to be called “King’s College,” to which was annexed a munificent endowment,—an event which the Lieutenant Governor regarded among those objects which were the most to be desired for the welfare of the Colony. In acknowledging this communication the Legislative Council expressed their grateful feelings for so valuable a boon ; but the House of Assembly returned thanks in very measured terms. It said :

If the principles upon which it has been founded shall, upon inquiry, prove to be conducive to the advancement of true learning and piety, and friendly to the civil and religious liberty of the people.”

Indeed, much pains had been taken, by calumnies, and misrepresentations, to poison the minds of the people against the Charter, and induce them to send Petitions against it, many of which contained the most convincing evidence, that the signers had never read the document. Nevertheless, these Petitions had the effect of inducing the House of Assembly to pass an Address, on the 15th of February, 1828 to the Lieutenant Governor, Sir Peregrine Maitland, requesting a copy of the Charter, information respecting the endowment, and other matters connected with the Institution. A copy of the Charter and an account of the endowment were transmitted, as requested, on the 29th February ; and on the 20th March, an Address to His Majesty was agreed upon by the House of Assembly, in which objections were urged against the Charter of the University, as being of a nature too exclusive.

This Address attracted the notice of a Select Committee of the House of Commons ; and in their Report on the Civil Government of Canada, on the 22nd of July, 1828, they advise a change in the constitution of the College Council, so that no religious test may be required, and that a Theological Professor of the Church of Scotland should be established, in addition to that of the Church of England, whose lectures the candidates for holy orders in the respective Churches should be required to attend.†

#### PROCEEDINGS IN REGARD TO THE LAND EXCHANGE—THE £1,000 GRANT.

In the meantime, the College Council proceeded to get a minute and accurate inspection of every lot of the endowment, to enable them to judge of its true value, and to become acquainted with every circumstance concerning it, whether occupied or otherwise, so that they might do justice to the important trust committed to them, and at the same time act fairly by individuals.

Sir Peregrine Maitland also obtained from the Imperial Government an annuity of One Thousand pounds sterling, (£1,000) out of the proceeds of lands sold to the Canada Company, towards erecting the necessary buildings for the University.‡ A site the most eligible that could be procured was selected for the buildings ; plans and specifications on a respectable scale were under consideration, and everything portended the speedy commencement of the Institution when its great promoter and patron, Sir Peregrine Maitland, was removed to a better government.§

#### SIR JOHN COLBORNE AND THE UNIVERSITY, AND THE UPPER CANADA COLLEGE.

A very few days after Sir John Colborne, now Lord Seaton, assumed the administration of the Colony, he convened the College Council, and acting, it is supposed, under special instructions, stated that no further steps should be taken towards bringing the University into operation. His Excellency’s communication was made in terms the most positive ; for he declared that one stone should not be put upon another, until certain alterations had been made in the Charter ; and he utterly refused, as Chancellor, to concur in any measures having for their object the progress of the Institution.||

Under the circumstances, thus announced in a manner altogether unusual and not likely to be forgotten, the College Council could but submit, in the earnest hope that a more correct consideration of the subject would lead to a removal of a prohibition for which there was not, in my judgment, and I believe in that of any Member of the Council at that time, adequate cause.

\* For the proceedings of the House of Assembly in this matter, see pages 235-244 of the First Volume of this Documentary History.

†*Ibid* pages 253-258.

‡*Ibid* pages 226 and 238.

§In regard to the purchase of a site for the University Buildings see pages 121-226 of the Second Volume of this Documentary History. See also pages 19-23 of the Third Volume of this History.

||In regard to this proceeding on the part of Sir John Colborne, Chancellor of the University, see pages 24-26 and page 35 of the Third Volume of this Documentary History.

But, however unfavourable the instructions given to the new Chancellor, or the impressions made upon his mind against proceeding with the University, he must not be deemed an enemy to education ; for he urged the propriety of enlarging the foundation of the Royal Grammar School, in order that it might better serve as a Preparatory Seminary to the University, when established. To this the College Council readily gave their consent, and, to so great an extent, as to incur a very heavy responsibility in advancing, to build Upper Canada College, large sums out of the endowment of the University ; and it is only justice to remark, that the Institution has well answered the purposes for which it was erected.\*

In his Speech to the Legislature, on the 8th January, 1829, Sir John Colborne notices the University very slightly, and only in connection with Upper Canada College ; but even this was enough to awaken turbulent spirits ; and, on the 20th of March, the House passed various Resolutions modifying the Charter, and presented them with an Address to the Lieutenant Governor, to which his Excellency promised his ready attention.

No farther proceedings appear to have been had regarding the University, till the Session of 1831 and 1832, when another Address to the King was adopted, bearing date the 28th of December, 1831, praying that the Charter of King's College might be cancelled, on account of its exclusiveness, and another granted more open in its provisions. On the 4th of January, 1832, His Excellency replied

That he has reason to believe that either the exclusive provisions considered exceptionable in the Charter of King's College have been cancelled, or that such arrangements have been decided upon by His Majesty's Government as will render farther applications on this subject unnecessary ; but that a Charter solemnly given, cannot be revoked, or its surrender obtained without much delay. (*Pages 52-54 of the Second Volume of this Documentary History.*)

#### PROPOSED SURRENDER OF KING'S COLLEGE CHARTER IN 1831.

This language evidently alluded to a Despatch from Lord Goderich, now Lord Ripon, which was soon after laid before the College Council, proposing to the Members of the Corporation to surrender the Charter granted by Government, together with the Endowment, on the assurance from the Secretary of State that no part of the Endowment should ever be diverted from the education of youth. (*Ibid, pages 55-56, and page 31 of the Third Volume of this History.*)

In an able Report, the College Council stated their reasons for refusing compliance with this extraordinary request, and that they did not think it right to concur in surrendering the Charter of King's College, or its Endowment. The College Council farther observed, that they did not feel, or profess to feel, a sufficient assurance, that after they had consented to destroy a College founded by their Sovereign, under as unrestricted and open a Charter as had ever passed the Great Seal of England for a similar purpose, the different Branches of the Legislature would be able to concur in establishing another that would equally secure to the inhabitants of this Colony, through successive generations, the possession of a Seat of Learning, in which sound religious instruction should be dispensed, and in which care should be taken to guard against those occasions of instability, dissension and confusion, the foresight of which had led, in our Parent State, to the making an uniformity of religion in each University throughout the Empire, an indispensable feature in its constitution. The College Council then went on to say :—

If the objections entertained by the Council against the surrender of the Charter were not insurmountable, no stronger inducement could be offered than the request which His Lordship's Despatch conveys ; for the Council cannot fail to be sensible, that such a request can have been dictated only by a supposed necessity for departing from established principles, in order to promote the peace and contentment of the Colony.

With the opinions, however, which the Council entertain, and with the opportunity of forming those opinions, which their residence in the Colony affords them, they could never stand excused to themselves or others, if they should surrender the Charter, supposing it to be within their power, so long as there is an utter uncertainty as to the measures that would follow. The moral and religious state of more than three hundred thousand British subjects is at present involved in the proper disposal of these questions ; and before very many years will have elapsed, more than a million will be affected by them. The Council, therefore, whatever results may be obtained by other means, could not justify to themselves the assuming the responsibility of endangering the very existence of the Institution. They feel bound to look beyond the movements and discussions of the passing moment, and could not, even if they concurred in the view of the present expediency, consent to pull down the only foundation which at present exists in Upper Canada for the advancement of religion and learning, upon a system which has not yet been repudiated by the Government in any part of Her Majesty's dominions. (*Pages 33, 34 of the Third Volume of this Documentary History.*)

The College Council then proceeded to state, that, for the sake of peace, they were disposed to concur in some such modifications, as have been since forced on the Institution by the Legislature ; not that they considered them improvements, but because the Government seemed to

\*Pages 28-30 of the Third Volume of this Documentary History.

give them countenance : it being their conviction that a College for the education of youth in the principles of the Christian Religion, as well as in literature and the sciences, is less likely to be useful, and to acquire a lasting and deserved popularity, if its Religious character is left to the discretion of individuals, and to the chance of events, and suffered to remain the subject of unchristian intrigues and dissensions, than if it is laid broadly and firmly in its foundation by an authority that cannot, with any reason, be questioned. (*Page 34 of the Third Volume of this Documentary History.*)

It would be tedious and without profit to enter more minutely, on the present occasion, into the persevering opposition to the establishment of the University during the remainder of Sir John Colborne's administration. It is, however, melancholy to contemplate the Legislature lending itself to destroy an Institution calculated to cherish affection to the Government and the purest principles of Religion; and yet, the chief thing that connects the Colonial Administration of that time with our kindly remembrance is Upper Canada College, which was, at first, sought to be established on the ruins of the University. How much more honoured would this Administration have been, had it cherished King's College as well as its nursery, and how many hundreds of our youth would have hailed its memory with grateful praise, who are compelled to deplore its causeless opposition to that Institution, which would have conferred upon them that liberal education which they desired, and the loss of which can never be retrieved.

#### PROCEEDINGS OF SIR FRANCIS BOND HEAD, AS CHANCELLOR OF THE UNIVERSITY.

Sir Francis B. Head, with that ardent spirit, and intuitive apprehension of whatever is good and noble, which characterized him, saw the vast advantage of establishing the University soon after he came to the Government : and, although he could not prevent the Legislature from making some changes in the Charter, (to which the College Council most reluctantly assented,)\* he deserves the greatest praise for preventing farther innovations. The Charter having been thus settled, Sir Francis Head readily concurred, as Chancellor, with the College Council, in adopting the measures necessary for bringing it into operation. But just as the preliminary steps were arranged contracts for the buildings ready to be signed, and Professors and Teachers about to be appointed—the Rebellion of 1837 broke out, and for a time suspended this and many other excellent measures projected by that able and independent ruler.† After the suppression of the rebellion, Sir Francis Head resigned the Government, to the great sorrow of all, the loyal and more intelligent inhabitants ; and during the two following short Administrations, no proceedings were had respecting the University, worthy of notice, or commendation. It was, however, hoped that more auspicious times were arising, and that the blackness of the past would be forgotten.

#### ADMINISTRATIONS OF LORD SYDENHAM AND OF SIR CHARLES BAGOT, 1840-1843.

The short interval which intervened between the lamented death of Lord Sydenham and the arrival of Sir Charles Bagot, was a blank in the history of the University : but no sooner had Sir Charles Bagot assumed the Government, than King's College engaged his particular attention. Being himself a scholar and an Oxford University man, he saw, at once, the vast importance of such a Seminary in a rising Country, and he set his heart upon its immediate establishment. In accordance with his ardent desires on this subject, the first distinguished step of his Administration was to come to Toronto and to lay the Foundation Stone. It is a day ever to be had in remembrance, and only second to this, on which the business of the Institution begins.‡ Notwithstanding his lamented illness, Sir Charles Bagot never ceased to take the warmest interest in the welfare of the University, and his memory, in connection with it, will be most kindly remembered, when the miserable politics of the times, which destroyed his peace, and, in all probability, shortened his precious life, shall be buried in total oblivion.

#### THE REVEREND DOCTOR STRACHAN'S DEFENCE OF THE CHARTER OF KING'S COLLEGE.

So much obloquy has been thrown upon the Charter of King's College by party violence, enlisting the passions against it, and refusing information in its favour, that it cannot be out of place, on the present occasion, to show, that no College exists so little exclusive as King's College would have been, had it been permitted to proceed under its original Constitution. It was open to all denominations of Christians, even the Professors, except those appointed to the Council,

\* See the elaborate Report of the Legislative Council on this amended Charter, (drawn up chiefly by the Reverend Doctor Strachan), on pages 61-72 of this Third Volume of this Documentary History.

† *Ibid*, page 96.

‡ The particulars of this event are given on pages 202-209 of this Volume.



were not required to be of the Church of England: it excluded no one from the benefits it offered; and, although, it preserved unity of religion in the governing power, it rested on a more liberal basis than any similar institution in Europe or America.

The wise and uniform practice of Christian nations has ever been to give a Religious character to their Literary Institutions, nor is there a College, or University in Christendom, founded on any other principle: the infidel attempt, called the "London University" has signally failed, as all such godless institutions of Babel ever must.

#### UNIVERSITY EXAMPLES QUOTED :—THOSE OF ENGLAND AND SCOTLAND.

Of the two great English Universities it is unnecessary to speak, as they are, in truth, interwoven with the glorious Church which blesses that Land. In Scotland, all Schools and Universities are under the special direction and control of the National Church: nor can any thing be taught contrary to, or inconsistent with her Faith, Worship, Discipline and Government.—The recent pestilential discovery, that religion should be separated from education, has never been admitted by the Kirk of Scotland; nor has the complete exclusion of all but her own principles from her Parochial Schools and Universities, impeded the moral and literary progress of the Scottish Population. Far from it. To what but a sound education, based on her Established Religion, is Scotland indebted for her moral improvement? Her whole System of Instruction has Religion for its basis, and is placed under the immediate and active superintendence of the parochial Clergy; and, to this wise and judicious arrangement, must be attributed the superiority of her people over those of most other Countries.

#### UNIVERSITY EXAMPLES IN THE UNITED STATES AND UPPER AND LOWER CANADA.

But this system of exclusion, if it can be so called, has equally prevailed in all those Literary Institutions of the United States, which have acquired any reputation. Unhappily for the cause of truth, Harvard University, the best endowed Seminary in that country, is said to be wholly Unitarian: and, however much the prevalence of such views is to be deplored, yet the consequence is internal peace on this the most important of all subjects.

The second place among the Colleges, in the United States, is usually accorded to Yale,—a College exclusively of the Congregationalists; yet we have never heard that the public has taken offence at this exclusiveness, or that the Legislature of Connecticut has interfered, in any other way, than to confer gifts and honours on the Institution.

Nearer home we find the same exclusive principles prevailing in the different Colleges of Lower Canada. In that Province, there is not only an ample provision for the Roman Catholic parochial Clergy, but likewise the farther advantage, which, in every country, has appeared necessary for the maintenance of Religion,—namely, the endowment of Colleges and Seminaries, in which, while the various branches of human learning are taught, the rising generation is, at the same time, instructed in the doctrines of Christianity, and familiarized to their own mode of worship.

Even in this Province, two Colleges have been recently established strictly exclusive; one under the superintendence and authority of the Wesleyan Methodists; the other under the guidance and control of the Church of Scotland. Those Institutions have a decided Religious character, nor will their Governors admit any other Denomination to interfere in any part of their management, or modes of instruction. Nor are they looked upon,—nor ought they to be looked upon,—with jealousy, or dislike. They bear no unequivocal character, and emit no uncertain sound; and those who prefer the education,—secular and religious,—which they offer, are certain of obtaining what they desire.

Such are some of the considerations which prove that the original Charter of the University of King's College was neither exclusive, nor restrictive, when compared with Colleges of reputation in Europe and America.\*

#### THE ORIGINAL CHARTER OF KING'S COLLEGE PREFERRED TO THE AMENDED ACT OF 1837.

The same considerations also convince me that had the University been permitted to proceed under the Royal Charter, without alteration, it would have been far more efficient for all the purposes intended, than in its present form. But, so much evil and inconvenience had arisen from continued disputes and delays, that the College Council thought it expedient, in 1837, to concur in some modifications, more especially as the opponents of the Institution had become somewhat more moderate, and promised to content themselves with such alterations as

\*This somewhat elaborate argument in regard to the example of other Colleges (chiefly written by the Reverend Doctor Strachan), is more fully given in the Report of the Legislative Council, on pages 66-68 of the Third Volume of this Documentary History.

should not essentially change the character of the University as a Royal Institution, or interfere with the power and dignity which it possesses, as emanating from the Sovereign, and which can be obtained in no other way, and for the loss of which no benefits in the power of the Legislature of this Province to confer, would in any degree compensate.

The alterations introduced relate to the governing power,—the removing of tests and qualifications, except a declaration of belief in the authenticity and Divine Inspiration of the Old and New Testament, and in the doctrine of the Holy Trinity. The Sovereign continues Founder and Patron of the University: its endowment remains, and those privileges which distinguish a Royal, from a Provincial, University,—privileges which extend through the British Empire and all its Dependencies. The principle of unity has indeed been broken, but, if the College be hereafter left alone, I feel assured that it will soon diffuse the most precious benefits over the Province. (*Page 68 of the Third Volume of this Documentary History.*)

#### PROPOSED GENERAL CURRICULUM OF KING'S COLLEGE UNIVERSITY IN 1842.

Having thus touched briefly upon the History of the University of King's College, it only remains to make a very few remarks on the way it proposes to meet the requirements of the Royal Charter, which establishes a College for the education of youth in the principles of the Christian Religion, and for their instruction in the various branches of Science and Literature, which are taught in the Universities of Great Britain and Ireland.

Such requirements embrace all useful knowledge,—Classical Literature, Mathematical and Physical Science, Mental Philosophy, Law, and the Healing Art, in all their various departments; and they are all, as the Charter provides, to be based on our Holy Religion, which ought indeed to be the beginning and the end of education in a Christian Country. It is, at the same time to be observed, that, in the communication of Divine Instruction, special care will be taken, by the proper authorities, to prevent any undue interference with those students who do not belong to the Church of England. No step will be permitted that is not in accordance with the provisions and intentions of the Amended Charter; nor will a faithful adherence to the limitations which they contain, be found in practice so difficult as many are disposed to imagine.

Parents, not of the Church of England, have a right to expect that their children, who come for instruction at this Institution, shall not be tampered with in matters of Religion; and such a right will be conscientiously respected. Dispensations will be given from attending Chapel to all those pupils whose Parents and Guardians require them. The Religious Teaching of the undergraduates will be confined to a thorough knowledge of the Holy Scriptures in their original languages, and to the study of such works as Butler's Analogy, Paley's Evidences, his Natural Theology; and none will be admitted that are not read and admired by all Denominations of Christians, and which are necessary for the different examinations.

When students have finished their regular course, and proceeded to their degree, such as design to study for the Ministry of the Church of England, will place themselves more especially under the Professor of Theology, while the youth of other Denominations will depart to prepare for their respective professions.

#### GENERAL CONCLUDING REMARKS OF DOCTOR STRACHAN, AS PRESIDENT OF KING'S COLLEGE.

Never was the demand for education so loud and anxious throughout the civilized world as at present; but in this Colony it may be said to be only commencing. In older Countries, where Seminaries of Learning have been established for centuries, the machinery exists; and it is easy to keep pace with the march of intellect, by the addition of Professors and Teachers, when any new subject appears of sufficient importance to require them. In this manner, the Universities of Europe preserve their superior rank, and add daily to a debt of gratitude which the public can never repay. And, although, some of the discoveries of modern times, in the arts and sciences,—more especially in Mechanics,—cannot be traced to them, yet the more important certainly may; and what is of still more consequence, they have uniformly maintained the dignity of Classical, as well as Scientific, attainments. It requires the aid and protection of established seats of learning to give, as it were, a lasting basis to useful knowledge, and ensure its gradual accumulation. In all these respects, the Universities of Europe, and more especially of Great Britain, have nobly discharged their duty. They have not only been the fruitful nurseries of all the Learned Professions, which adorn and maintain society, but they have also been the asylums of learned leisure, where men, who had no taste for the cares and broils of worldly pursuits, might retire from the troubles of public life, and aspire to greater perfection than even an ordinary intercourse with society will allow. Many such, in their solitary chambers, have attained the highest elevation in science, or, by their powerful writings, have brought home to our hearts and understandings the truths and discoveries of Christianity, and thus have become the instructors and benefactors of mankind.

It is for these, among other purposes, that this Institution has been established. And why should it not in its turn become one of those blessed asylums where men of retired habits may taste the sweets of society, and yet converse with the illustrious dead, who in past ages have illuminated the world?

Here among our youth we may confidently look for generous emulation,—a noble desire for honest fame,—an ardent love for truth,—and a determination to surpass in knowledge and virtue the most sanguine hopes of their friends and parents.

In this Institution many holy aspirations will doubtless arise in minds yet untainted, and which, by Divine grace, shall become a panoply to protect them through life, against all the temptations that can assail them. And the time will come, when we, too, can look back to our own line of celebrated men, brought up at this Seminary, and whose character and attainments shall cast a glory around it, and become, as it were, the genius of the Institution.

Is there an ingenuous youth now present, of quick sensibility and lively ambition, who does not cherish in his imagination the hope that he may become one of those whom in future times this University will delight to honour as one of her favourite sons? Why should he not? He is in the enjoyment of the same advantages,—pursuing the same paths of knowledge, which enabled so many in former times to soar to the more elevated height of literary fame.

#### THE MODERN EDUCATIONAL THEORIES ARE NOT SOUND, OR PRACTICAL.

I am aware that, in this age of high pretension, some affect to despise the proceedings of our ancestors, and more especially their methods of training up the rising generation in the way they should go. Instead of acting on Religious principles and considerations, in educating youth, as was the custom of our forefathers, and their prevailing motive for establishing Colleges and Seminaries, such modern promoters of innovation set aside Religion, and stifle that voice which bids us prepare for the concerns of eternity, that all our energies may be devoted to the things of time and its perishing interests. They value nothing beyond the confines of this world, and deal with youth as if all their impulses were good, and all their dislikes preservatives from evil. Such a course betrays a lamentable ignorance of human nature. The true system of education—and God grant that it may speedily regain through all Christendom its former influence,—is founded on a wiser estimate of the natural indisposition of every child born in the world to cultivate those tastes which best become us, as dependent and immortal beings.

We need not fear any deficiency in the cultivation of such arts as lead to the gratification of luxury and refinement,—to the accumulation of wealth and the establishment of power.

All feel that the demands made by the senses are so constant and imperious, that they require little or no special encouragement. But, in this Institution, our chief care will, it is hoped, ever be to cherish and strengthen in our youth those principles and affections, which give our finite being wings to soar above this transitory scene, and energy to that mental vision, which shall enable them to look with confidence on the glories of the spiritual, when this our material world is vanishing rapidly away.

#### EXPLANATIONS, AND DEFENCE OF KING'S COLLEGE CHARTER OF 1827.

In this interesting Address of the venerable Bishop Strachan, President of the University of King's College, there are the utterances of the pent up feelings of a man who had long and anxiously looked forward to the opening of this University as the culmination of his highest hopes and the gratification of his warmest wishes in regard to King's College.

The Address is the more valuable, and the interest in it the greater, from the comprehensive survey given by its President of the chequered history of the University, since the time, when, encountering so many difficulties, as he did, he obtained the Royal Charter for this prospective and richly endowed Institution.

Although, when obtained, the Charter was justly held to be drawn up in favour of one particular Church, to the exclusion of all others in Upper Canada, yet it should be remembered that that Church was, at the time, practically an



established Church in Upper Canada, under the provisions of the Constitutional Act of 1791. It was very natural, therefore, that the Charter should be drafted, as it was, by those who were Members of that Church and, as such, were the parties to its issue.

Exclusive as it was, Doctor Strachan tells us in his Address, that it was the most liberal that had ever passed the Great Seal. He says:—

The Charter of the University of King's College was not hastily settled. It was nearly a whole year under serious deliberation. It was repeatedly referred to the Archbishop of Canterbury      who doubted the propriety of assenting to an Instrument so free and so comprehensive in its provisions.

It was considered, not only the most open Charter that had ever been granted, but the most liberal that could be framed on Constitutional principles; and His Majesty's Government declared that, in passing it, they had gone to the utmost limit of concession.

It is now, as I write, (March, 1897,) just seventy years since the original Charter of King's College University was granted. It bears date on the 15th of March, 1827. It is difficult to transport ones self back to those times: and much more so to the political and administrative atmosphere of the Colonial Office in Downing Street, when the rights of the Colonies to self-government—as we understand them to day—were not fully acknowledged,—and even though courteously recognized, yet also with reservations, if not with “bated breath.”

Even, nearly ten years afterwards, Doctor Ryerson encountered endless obstacles—technical and otherwise—in obtaining a similar Royal Charter for the Upper Canada Academy at Cobourg. Nor should it be forgotten, that the Reverend Doctor Strachan was not personally responsible for the most objectional denominational features of the Royal Charter of King's College. Indeed, the Reverend Doctor Bethune, his Successor in the See of Toronto, tells us, in his *Memoirs of Bishop Strachan*, that:—

To the writer of these pages—the Memoir—Doctor Strachan himself affirmed, on his return from England, that he had expressed to Lord Bathurst, (Colonial Secretary,) his objection to the provision (in the Charter,) that the Archdeacon of York, for the time being, should be, *ex-officio*, President of the University; and he stated also his doubts as to whether it was judicious to require from Members of the College Council, subscription to the Thirty-nine Articles of the Church of England. *Memoir of Bishop Strachan*, page 110.

One can scarcely read this Address of the President of the University without a feeling of personal sympathy for the heroic Old Man, who all these years, from 1827 to 1843, had endured a good deal of odium for a Charter—based, indeed on purely denominational lines—but which, had his advice and counsel to the Colonial Secretary been taken, would have had eliminated from it, at the beginning, some of the most objectionable of its features. One cannot, nevertheless, but admire his constancy and loyalty to the terms of a gift from the Imperial Government, not altogether to his liking, but which, taken as a whole, he then regarded as a great boon to Upper Canada.

### FURTHER PROCEEDINGS AT THE CEREMONY OF OPENING KING'S COLLEGE.

After the President of the University had finished his Address, the Reverend Doctor McCaul, as Vice President of the University and Senior Professor, thus referred to the advantages of a University education. He said:—

The gratifying duty devolves on me, my young friends, of congratulating you on your admission to the University, and of welcoming you to the enjoyment of the advantages, which it so liberally affords. In discharging this duty, I desire to avail myself of the opportunity to offer, for your guidance, some observations of a practical tendency, which may be useful in enabling you to secure those benefits, which you have proposed obtaining, by becoming members of this institution.

#### ADDRESS OF THE REVEREND VICE PRESIDENT McCaul.

Doctor McCaul then proceeded to deliver a highly finished Address on the special value, to aspirants for academic distinction, of a thorough knowledge of the rich stores of Classical Literature,—of Mathematical Science,—of Natural and Experimental Philosophy,—of Metaphysical and Moral Science, Logic Rhetoric, and those various other subjects—a knowledge of which is necessary to a thorough mental outfit for the individual in the battle of intellectual and practical life. He also pointed out the great importance of the mental and moral culture which a University course possessed for those who were really in earnest in pursuing it. The substance of what he said was, that a University course:—

Provided habits of industry and perseverance,—of laborious and patient research; while the examination which succeeded exercised the power of concentration, and prompted readiness in the application of knowledge. The University was also a school of discipline for the intellectual power. It teaches that whatever is to be done should be done well. It enforces the necessity of uniting to perfect acquaintance with a subject, exactness and precision in the use of language, and inculcates the lesson that knowledge, to be valuable must be accurate, and that one cannot hope for success, unless that hope is based on the conviction that we have attended to everything—even the most minute auxiliary,—whereby it may be procured . . . . It also acquires punctuality and order, and enforces subordination and deference to authority . . . . We also learn to read,—and distinguish at a glance the prominent features of a work,—to analyse its contents and extract its essence,—to discover the substance—to find fruit amidst the leaves.

Doctor McCaul then dwelt on the personal advantage to students of associating with those who were seekers after knowledge like themselves. It promoted a generous desire for equal distinction with them and was an incentive to exertion in the academic struggle and in future contests in which nobler prizes might be obtained. He warned the students against the seductive influences which would assail them, and assured them that learning, without sound principles, would be as a good ship without a rudder,—that profound scholarship was as nothing without fervent Christianity, and that love to God was stronger than all the moral principles which ancient or modern ethics ever taught.

#### THE ADDRESS OF THE HONOURABLE CHIEF JUSTICE ROBINSON.

The following Address on the inauguration of the University, was delivered by the Honourable John Beverley Robinson, Chief Justice of the Court of Queen's Bench in Upper Canada. Mr. Robinson was one of the most distinguished, as he was one of the most loyal and faithful, friends of the Venerable President of the University. He took especial pleasure in congratulating his former Instructor on the rich fruition of his long cherished hopes, in thus witnessing the opening of an Institution, for which he had so long, so earnestly and faithfully laboured.

The Chief Justice, in his brief historical reference, did no more than what was right and fitting in referring, as he did with pride, to the persistent efforts of Doctor Strachan in devoting his energies in those early days to promote the cause of education. He said truly that :—

In laying the foundation of the System of Common Schools twenty-seven years ago, your Lordship, it is well known, took a prominent part ; and, at a still earlier period, as I well remember, it was the suggestion, and upon the earnest instance of your Lordship that the Statute (of 1807) was procured, to which we are indebted for the District Grammar Schools throughout Upper Canada ; in which Schools alone, for more than twenty years, the means of obtaining a liberal education were to be found. . . .

The Chief Justice continued his Address as follows :—

What a glorious day has now opened upon Upper Canada ! The feelings with which your Lordship must look upon the scene, at this moment before you, I will make no effort to describe, for I am wholly unable to give adequate utterance to my own.

When, more than forty years ago, you came, a stranger to this all but unknown Country, a young and ardent labourer in the cause of Education, how would it have delighted you, if you could have been permitted to see in the distant foreground, this crowning termination of the hopes and plans, which you began at an early day to entertain ?

That perseverance surmounts all difficulties, has not often been more strikingly, or more happily evinced than in your case. The suggestions which, before this century began, your Lordship, from your intimate friendly relation with a much honoured Member of the Government, had an opportunity of urging, are now at length about to take the shape of measures, but not until the century has nearly half elapsed ; and yet, by the care of a kind Providence, you are spared to witness the consummation of hopes that have been dearly cherished through so many years of delays and difficulties.

That you should have the distinguished honour of having your name go down to posterity as the first President of the University of King's College, is but the legitimate reward of years of faithful and most useful service in the cause of Education, and of a devotion to its interests, so comprehensive in its character, and so unremitting, that there is no gradation, or department, of instruction which has not, in its turn, received your anxious care. . . . In the Grammar Schools which you founded, the means of obtaining a liberal education were to be found, and which, then, and to this moment, have conferred upon the Country advantages beyond our power to estimate.

I refer to these District Grammar Schools, my Lord, with peculiar pleasure, for it was at one of these Schools, conducted by yourself, that I received the instruction, without which I cannot but feel that my career in life must have been one of a very different description, and which, if that opportunity had not been considerably extended to me, as it was, by your kindness, I could assuredly not have obtained.

I refer to these Schools also with pleasure, because I know that it enhances the gratification which your Lordship receives from this day's proceedings,—that among those connected with this University, are three Gentlemen, who with me, were educated under your care at one of those District Grammar Schools, and who were entrusted by the Legislature with the office of Visitors of King's College, in consequence of their elevation to the highest seat of Justice in this Colony.

Your Lordship may be assured that it is to them, and to me, a source of peculiar satisfaction, that we have lived to see you enjoy the fulfilment of a hope in which you had so long indulged, and that, if, at last, your Lordship is not to take that active direction in the internal government of this University, for which the Royal Charter provides, it is only because you have been raised to a station of which the duties are even higher and more sacred.

#### A TRIBUTE TO THE REVEREND DOCTOR McCaul, THE VICE PRESIDENT.

Upon you, Mr. Vice President, the gratifying honour has been conferred, of selecting you to discharge those offices of internal government and actual superintendence of the instruction to be imparted within these walls, which, from the elevation of the Right Reverend President to the Episcopal Bench, it has been found necessary to place in other hands than his.

It would be strange presumption in me, to speak of your fitness for such a task ; but I may be allowed to congratulate the Country and yourself upon what all must, with great satisfaction, admit,—that you come with singular advantages to the duties which you have undertaken.



You have brought with you to this Country a very high reputation for scholarship, acquired, at an unusually early age, and acquired at a seat of learning, whose long and well established character gives the best assurance that the honours conferred in it must have been well and fairly earned. You are still in the prime vigor of your life, and yet are familiar with the business of instruction ; and you have become so, from an experience acquired by some years of most sedulous and successful application, under the eyes of those who now look with eager hope to your sustaining and increasing in the new field here opened to you, the reputation which they freely and heartily admit you to have won in that field of labour in Upper Canada College which you have left.

Excellence in any art, or science, is seldom, if ever, I believe, attained, except by those who have been ardent in its pursuits, and for whom whatever is connected with the honour and advancement of their favourite study, possesses a high degree of interest. It cannot, therefore, be doubted that by yourself and by those learned Professors who have been associated with you, as being eminently qualified by their attainments in their various departments, it must be felt to be a distinction not less interesting than honourable, to be selected to build up an University, which shall, in all time to come, have authority under a Royal Charter, to stamp with its seal the pretensions to excellence in the several arts and sciences.

#### UPPER CANADA WORTHY OF EVERY EFFORT TO PROMOTE HER INTELLECTUAL WELFARE.

You and your Colleagues have been selected to lay the foundation of what is designed to be a perfect system of University education in a Country like this ; a Country important from its extent, from its great and increasing population, and from its peculiar position in this vast Continent :—A Country interesting, even in its short past history, as well as from the astonishing rapidity with which it is advancing ; and a Country, which, I think we can say with truth, and with honest pride, is honoured throughout the Empire for the credit with which it has passed through the perils of foreign invasion and domestic tumult. Most cordially, my Lord, Mr. Vice President and Reverend and learned Professors, most cordially, I am sure, do the people of this Province wish you honour and success in the noble task which you have undertaken. No mind can measure the importance of your labours to succeeding generations in this Province. And may that good Providence, without whose support all human effort must fail, crown those labours with the happiest results—directing them in all things to His Glory, and enabling you to secure to yourselves, whenever you may retire from the field of your arduous exertions, the consciousness of having served faithfully and efficiently in a duty, than which there is none more honourable ! May a just and generous people cheer you with their encouragement in your progress, and shew that they can appreciate the benefits which I doubt not your anxious toils will confer upon them and upon their posterity !

If this University shall be permitted, by the blessing of Providence, to work out the noble ends of its Royal Founder, in security and peace, the generations which succeed us will assuredly have to boast their long list of worthies, who will have gathered within its walls the seeds of every public and private virtue, and who in the various departments of public life will have proved a blessing to this Country.

The Chief Justice then referred to the circumstances of their meeting in the old Parliament Buildings, in which to inaugurate the University, and to open its classes there for the reception of Students in the very Chamber in which he, as a Member of the Legislative Council, had so often sat and took part in its proceedings. He said :—

When I look around upon these walls, and am reminded by familiar objects, of proceedings which have taken place within them, I feel a satisfaction, (melancholy indeed it is, because my humble efforts were unavailing,) that I was never led by any motive to concur in those alterations, which deprived this University of its distinct religious character.

To have excluded from instruction in literature and the sciences, all who belonged not to a particular Church, might justly have been considered as illiberal and unwise ; and to have allowed those only to impart instruction in these departments, who professed their adherence to a particular creed, might have seemed a course as little suitable to this time and Country.

The Charter, as it originally stood, did neither ; but it did contain some provisions, plainly intended to ensure consistency in the government, and harmony in the working of the Institution, and intended moreover to proclaim openly to all, what was the form of worship, and what the doctrine, which alone they might expect to be maintained and inculcated in King's College. I have always thought that some such security against confusion and error, and against a danger

greater and more probable—the danger of establishing an indifference to all religious truth—was required upon the plainest principles of reasoning; and that without such security, the day might come when we should have to look in vain for the continued support of the virtuous and enlightened, whose influence, happily for mankind, prevails in general, sooner or later, against whatever rests for its support, not on reason, but on the voice of numbers. Such men, whatever may be their creed, may not be found to look with perfect confidence upon any seat of learning, whose religious character is not fixed and acknowledged. We know, at least, that in England they have not looked with flattering confidence upon that one University (London) which is liable to the exception which I have stated.

It may, I know, be said, that we are not in England, Ireland, or Scotland; and it may be imagined that a less sound feeling in matters of such momentous concern must necessarily be characteristic of this Country, from the accidental manner in which it has been peopled. If it be so, it is more to be deplored than any other error. But the members of the three largest Christian communities in Upper Canada, unconnected with the Church of England, have given evidence of very different views. They have all shewn, much to their credit, that a College in which all religions may be taught, or no religion, is not that kind of Institution for the instruction of youth which they would prefer. They have each given the strongest proof, that what they desire, in their own case, is a College which shall be avowedly in strict and undoubted connection with their own persuasion. If this had not been their feeling, we should not have heard of Queen's College, or the Colleges of Victoria and Regiopolis. In this, they have judged soundly of human nature, and yielded an honest testimony to what their consciences approved.

It was, we know, contended at the time, (and it would be unjust and unreasonable not to make allowance for the pressure under which the Government and the Legislature acted),—it was contended, that, to endow an University in connection with one Church, from funds in which people of all persuasions might claim an interest, was contrary to justice. But the Church, mentioned in the Royal Charter, was that Church which the Sovereign swears at his coronation to support in all parts of his Dominion, except in Scotland; and the spirit, which denied to the Sovereign the right to endow from resources, which the constitution had vested in the Crown, an University in communion with the great Protestant Church of the Empire, might, as it seemed to me, have been justly discountenanced as an unreasonable spirit. And a little attention to the history of the times and Countries not remote from us, will, I believe, shew, that, in general, it has proved itself a spirit, not of weakness, but of ambition;—one that will be perpetually inclined to strive for the mastery, when there is any ground of hope: until at last, (as there are not wanting examples to shew,)—in the changes of time, where nothing had been fixed by law, there becomes fixed and settled through perseverance and management and probably, after years of strife, a state of things which, if it had been proposed in the first instance, or could have been anticipated as the probable result, would have been desired by no one, but commended by all. A year of some such misfortune is my only fear; but I trust that the wisdom of the Government and the Legislature may guard against the danger. I become us at least to entertain the hope: and may God in His goodness avert this and all other evils from the University of King's College.

#### ADDRESS OF THE HONOURABLE MR. JUSTICE HAGERMAN.

Did I not think, that no Upper Canadian ought to refuse to aid—however humble—in promoting an object so deeply interesting to every true lover of his Country, as to the opening of an Institution destined to advance in so many most important respects the welfare and happiness of the inhabitants of his native land, I should most assuredly have declined complying with the request, very recently made to me, to address a few observations, on the present interesting occasion.

In reflecting on the influence, which King's College, as the first and greatest Seat of Learning in Canada, is destined to produce on the state of society generally, and the improvement of the learned professions particularly, throughout the Province, the mind is led to . . . contemplate with satisfaction the fact that a Colony, such as that in which we are living, making a first great effort to establish an Institution, which, with the blessing of Divine Providence, may yet rank with those famous seats of learning in our father-land

If we look back to the periods, when the two greatest Universities in the world were first established, we shall be brought to remember, that the number of persons who then occupied their halls, was limited to a very few pious men, whose labours were confined to the religious instruction of a scanty population, profoundly ignorant of every branch of literature

Let us contrast with the darkness of that gloomy period the glorious light, which these great literary luminaries have diffused, and are still diffusing, throughout the world



Those of our youth, who desire to learn lessons of wisdom, and to attain eminence among the benefactors of their race, will, on searching the pages of their Country's history, find, that the most illustrious men of modern times have received their instruction at British Universities. And ungrateful indeed must our children be, if they are not thankful, that, unlike the founders of these noble Institutions, they are not left to grope their way in darkness to the fountains of knowledge. . . . How greatly, in this respect, has even Upper Canada the advantage over England, as it was when, as Camden tells us,—agreeable to Merlin's prophecy—"Wisdom began to flourish at the ford of Oxen."

Nor are we to overlook the great benefits resulting from the youth of a country being brought together at these public Institutions, and that their friendships are there formed between kindred spirits.

Neither can society at large fail to be in some degree benefitted by this union of sentiment among its public men. . . . The good of their Country, will be the mutual desire of good men who bear the relation of friends to each other, although they may pursue that great object by different means and by different routes.

Of the great advantages, that must result to the learned professions from the establishment in this Country of a well-governed University, no one of course can entertain the slightest doubt; but of the extent of those advantages, I can speak only from what I know to be the want of them; for, to me they never were accessible. The history of the education of the youth of Upper Canada has already been given by your Lordship,—the details of which are sufficiently ample, except as to one point,—and that is, the share which you have had, from early life to the present hour, in promoting it. The results of your labours and the proofs of their success, you have been permitted to live to see now surrounding you; and, in addition to this reward, you have secured the gratitude and affection of every right-minded inhabitant of this Colony. I can add nothing to the just tribute paid to you by your distinguished friend and former pupil,—the Chief Justice; but I may be permitted to remind all present, that to your untiring energy, Upper Canada must acknowledge itself indebted, for every benefit that may result to it from the establishment of King's College.

The student who may choose the Practice of the Law as his profession, will derive from his attendance at the University a double advantage. He gains earlier admission to the rolls of the Courts, and what is of infinitely more importance, his studies are so directed as to enlarge his knowledge of general literature, and render him, by the best means, friendly and familiar intercourse, acquainted with the dispositions and character of mankind. Perfection in legal knowledge was never attained and probably never will be attained by any one; and although to acquire a reasonable acquaintance with its principles, retirement and long-continued undisturbed study are indispensable, yet the Advocate well knows, that he has small chance of success, if he neglects those great stores of learning, from which are to be gained a competent knowledge of other departments of science, and an acquaintance with general literature.

With respect to the Medical Profession, it is universally admitted, that, as yet, the Province is but inadequately supplied; and all who are acquainted with the wants of the inhabitants in places remote from the principal Towns, will rejoice at the prospect now opening for the supply of medical men. . . . It must be a source of sincere gratification to all, that the great want of a public School of Medicine, directed by learned and skilful professors, is about to be supplied in this University.

But one subject more remains for notice—I mean the study of Divinity. The most profound knowledge of Law, or of Medicine,—or of any merely human science, can be of no permanent value, unless accompanied with a belief in the Christian Religion, and, through it, the consoling hopes of immortality. To convey these blessed truths throughout the land, is the first duty and holiest object of a Christian Government, or community; and from public Seminaries of Learning it is that the United Kingdom has been chiefly supplied with fit and competent instructors in our Holy Religion. King's College is, I trust, henceforth to bear the name relation in this respect to Upper Canada, that the Universities do to our fatherland; and for this reason if for no other, is there abundant cause for rejoicing at the establishment of this University. Deeply, most deeply thankful and grateful are we, for the labour and christian care bestowed upon us by those pious Pastors, who, born and educated in the United Kingdom, have come as Ministers of the Church of England to reside among us. . . . But it must be an object of natural and anxious desire, that those who are to minister at our altars, and to be our instructors and guides in holy things, should be of our own house and Country—educated among us and known to us from their childhood. . . . No man is capable of exercising so much influence, or can so justly exercise it, as a zealous Clergyman among the members of his congregation: and, that they ought to be well qualified by learning and pious and virtuous habits for their high calling, is most manifest. . . . That King's College will, year after year, send forth from its halls an abundant supply of persons worthy to become the ordained ministers of our Church, all good men must, and will, devoutly pray.



## CHAPTER XXVI.

PROCEEDINGS OF KING'S COLLEGE COUNCIL, 1843 (*Continued*).

After an interval of five months, from the 8th of April to the 25th of September, 1843, the Council of King's College resumed its sittings. For the last Meeting on the 8th of April, see page 277. On the 16th of the preceding month, (March) Mr. Wm. Hume Blake was appointed by the Governor-General, Chancellor of the University, Professor of Law, in the University.

*September 25th, 1843*.—The Reverend Doctors McCaul and Beaven, Professor H. H. Croft and Professor W. C. Gwynne produced their Warrants of appointment to Professorships in the University of King's College ; of which Warrants the following are the particulars :—

Name of Professor.	Date of Warrant.	Nature of Appointment.
Reverend John McCaul, LL D. ....	September 1st, 1843..	Professor of Classics, Belles Lettres, Rhetoric and Logic.
Reverend James Beaven, D.D. ....	September 2nd, 1843..	Professor of Divinity, Metaphysics and Moral Philosophy.
Henry Holmes Croft, Esquire.....	September 5th, 1843..	Professor of Experimental Philosophy and Chemistry.
William Charles Gwynne, Esquire, M.B. ....	September 6th, 1843..	Professor of Anatomy and Physiology.

—and having signed the declaration they took their seats at the Council Board.

Professor Richard Potter produced his Warrant of appointment to the Professorship of Mathematics and Natural Philosophy in the University of King's College, dated the 4th of September, 1843, and having signed the declaration, took his seat in the Council.

The Council appointed the following Committees :—

*Audit (and Upper Canada College Arrears)*.—The Reverend Doctors McCaul and Beaven and Professor Potter.

*Building*.—The Reverend Dr. McCaul and Professors Potter, Croft and Gwynne.

*Medical School*.—The Reverend Doctor McCaul, and Professors Potter, Croft and Gwynne.

This last Committee was directed to consult with Doctors King, Beaumont and Gwynne, Professors in the University.

The following applications were received :—

1. From the Reverend George Maynard, M.A., and Mr. Frederick William Barron, M.A., for the position of First Classical Master in Upper Canada College.

2. From Robert Spear, M.D., applying for the position of Lecturer on Forensic Medicine in the University of King's College.

3. From Mr. Joseph Dixon for the position of Sub Collector of the Arrears of dues of Upper Canada College. (These several applications were deferred).

4. From Mr. Hugh Scobie, offering to supply books from England, or from the United States, for the Library of the University. (This offer was declined, as Books had already been ordered).

Several other minor matters of business were disposed of by the Council.

October 4th, 1843.—The Bursar placed on the Table the following statement of the unappropriated funds of King's College on the 30th of September, 1843 :—

	£	s.	d.
Provincial Debentures .....	34,197	0	0
Stock of the Bank of Upper Canada .....	250	0	0
Stock of the Gore Bank .....	187	10	0
Balance in the hands of the Bursar .....	19	11	2
Interest due on Debentures .....	481	0	0
	<hr/>		
	£35,135	1	2
Deduct Temporary Loan from the Bank of Upper Canada of .....	£6,500	0	0
Bank Overdraft .....	779	18	11
	<hr/>		
	7,297	18	11
	<hr/>		
	£27,855	2	3

Professor Gwynne submitted a Report from the Committee on a Medical School in the University, which was received. (The consideration of this Report was deferred).

Moved by the Reverend Professor Beaven, seconded by Professor Gwynne and

*Resolved*, That no business whatever be completed at the meeting at which it is brought forward, without the consent of the whole of the Members of the Council present.

An application was received from Mr. Henry Hawkins for the position of Assistant Collector of the dues of Upper Canada College. The application was referred to the Audit Committee.

Several other items of routine and miscellaneous business were disposed of.

October 6th, 1843.—The Report of the Committee on a Medical School was considered and the first four paragraphs were agreed to. The further consideration of the Report was deferred.

October 9th, 1843.—The Report of Committee, appointed on the 25th of September last, to take into consideration the preliminary arrangements necessary for opening a Medical School, was read in full, as follows :—

*First*. They are of opinion that, in order to constitute an efficient School of Medicine in the University of King's College it is necessary that provision should be made for adequate instruction in the following branches of Medical Science.

1. Chemistry.
2. Anatomy and Physiology.
3. The Theory and Practice of Medicine.
4. The Theory and Practice of Surgery.
5. Materia Medica and Pharmacy, Midwifery and Diseases of Women and Children.

*Second*. They are also of opinion that it will conduce to the interests of the Medical School and be more in accordance with the usage of some British Universities, if the designation of "Demonstrator of Anatomy" be altered to that of "Professor of Practical Anatomy."

*Third*. Lectures upon the following subjects may be instituted with advantage at some future period. 6. Forensic Medicine, and, 7. Botany.

*Fourth*. In addition to provision for instruction in the above branches of Medical Science, an Hospital, capable of containing not less than eighty beds, for medical and surgical cases, will be required, and separate accommodation for, at least, six Puerperal patients will also be necessary.

*Fifth*. The following shall be the medical requisites for a Student presenting himself at the final examination for his degree :—

- a. A Certificate to the effect that he has attained the age of twenty-one years.
- b. That he has passed five years in the acquisition of medical knowledge,—three of which must have been occupied in attendance on Medical Lectures in Schools recognized by the University, and one, at least, in the Medical School of the University.
- c. That he shall produce certificates of attendance on the following Lectures and Hospital practice :—
  1. Chemistry—1 course of 6 months.
  2. Practical Chemistry—1 course of 3 months.

- 3. Anatomy and Physiology—2 courses of 6 months.
- 4. Theory and Practice of Medicine—2 courses of 6 months.
- 5. Theory and Practice of Surgery—2 courses of 6 months.
- 6. Materia Medica and Pharmacy—1 course of 6 months.
- 7. Midwifery and Diseases of Women, etcetera.—1 course of 6 months.
- 8. Attendance for at least 18 months on the Medical and Surgical practice of an Hospital containing not less than eighty beds—twelve months of which shall be during winter sessions, when lectures on chemical medicine and surgery will be delivered.

(N.B.—Two courses of three months each will be considered equivalent to one of six months)

Sixth. Having examined the scale of fees adopted in other Universities both in Europe and America the Committee are inclined to recommend the following:—

	£ s. d.			Perpetual Ticket.		
				£ s. d.		
1. Chemistry.....	4	0	0	6	0	0
2. Practical Chemistry.....	2	10	0			
3. Anatomy and Physiology.....	4	0	0	10	0	0
4. Theory and Practice of Medicine.....	4	0	0			
5. Theory and Practice of Surgery.....	4	0	0			
6. Practical Anatomy.....	4	0	0			
7. Materia Medica and Pharmacy.....	2	10	0	5	0	0
8. Midwifery and Diseases of Women, etc.....	2	10	0			
9. Hospital Attendance—						
Eighteen months.....	15	0	0	20	0	0
Twelve months.....	12	10	0			
Six months.....	7	10	0			

Seventh. To constitute an *Annus Medicus*, certificates of attendance upon not less than two courses of six months each, (or the equivalent,) must be obtained within the year; which certificates must specify that the student has not only sedulously attended four-fifths of the lectures given by each Professor but also that, having undergone an examination, the Professor has been satisfied with his attainments.

Eighth. Students, not members of the University, will be required to pay in addition to the above-mentioned Fees a Fee of ten shillings for each course of Lectures.

Ninth. The Medical Session should commence on the first Monday in November, and terminate on the last Monday in April.

Tenth. It will be expedient to appropriate one of the wings of the Parliament Buildings to the Medical Faculty, which will supply sufficient accommodation for their purposes.

Eleventh. It is expedient to enter into arrangements to secure the exchange and recognition of our certificates by other Universities, by the Army Medical Board, and by those Medical Institutions, incorporated by Charter, which may be selected by the University.

Toronto, 4th of October, 1843.

JOHN MCCAUL, Chairman.

The Report having been received, Professor Potter moved in amendment to the ninth paragraph of the Report, that it is desirable that the Medical Session shall commence at the same time as that of the Faculty of Arts;—that the Michaelmas and Hilary Terms of the Faculty of Arts shall constitute the Medical Winter Session, and that the Easter term shall constitute the Summer Medical Session—Which motion being seconded by the Reverend Doctor Beaven, was put and carried.

Doctor Gwynne then moved, seconded by Professor Croft, the following Resolution,—

Resolved, That the Report and the foregoing Resolution be transmitted to His Excellency the Chancellor, with the respectful request of the Council that he would be pleased to take such action thereon as may seem to him expedient; and, at the same time, that His Excellency's attention should be particularly invited to the limited accommodation afforded to the University by that portion of the Parliament Buildings at present in their occupation, which will be wholly inadequate to supply the additional room requisite for conducting the business of the Medical Faculty, and that the Council therefore prays that His Excellency would be pleased to grant them the use of the Eastern Wing, which they understand will shortly be vacated by the Law Society and the Officers of the Courts of Law.



*October 12th, 1843.*—On motion of Professor Potter, seconded by the Reverend Professor Beaven, it was

*Resolved,* That a Finance Committee be appointed for the current year, consisting of Professors Gwynne and Croft; and that the object of the Committee shall be to examine into the state of the resources of the University, and to make their Report within two months.

(Some other routine business was transacted).

*October 18th, 1843.* The Bursar read the following communication from J. M. Higginson, Esquire, Private Secretary of His Excellency the Chancellor:—

I am directed to state for the information of the Council of King's College that His Excellency the Chancellor is pleased to nominate

1. Frederick William Barron, Esquire, M.A., to be first Classical Master of Upper Canada College, vice the Reverend Charles Mathews, M.A., resigned.

2. The Reverend Henry Scadding, M.A., to be Second Classical Master, vice Mr. Frederick William Barron, M.A., promoted.

3. William Honeywood Ripley, Esquire, A.B., to be third Classical Master, vice the Reverend Henry Scadding, M.A., promoted.

KINGSTON, 16th of October, 1843.

J. M. HIGGINSON.

After reading this Letter it was—

*Resolved,* That the nomination of F. W. Barron, Esquire, to the office of First Classical Master, the Reverend Henry Scadding, M.A., to that of Second Classical Master, and Mr. William Honeywood Ripley, B.A., to that of third Classical Master, be confirmed; and that the order of precedence and the privileges attached to the office of First Classical Master, as enjoyed by the Reverend Charles Mathews, M.A., on the resignation of the Reverend Thomas Phillips, M.A., be, in this case, retained.

The Bursar was directed to inform Mr. J. M. Hirschfelder in regard to his application submitted to the Council on the 15th of March last that no offices [? classes] for instruction in the Modern Languages have yet been instituted, and that the appointment to a Professorship of Hebrew established in the Statutes is vested, by the Charter, in His Excellency the Chancellor.

*October 19th, 1843.*—No quorum. Four Members present.

*October 20th, 1843.*—No business of importance was transacted.

*October 23rd, 1843.*—No business of importance was transacted.

*October 24th, 1843.*—Moved by the Reverend Professor Beaven, seconded by the Reverend Vice President McCaul, and

*Resolved,* That it is desirable that this Council should take into consideration the Bill of the Honourable Robert Baldwin, now before the Legislature, for re-modelling the University of King's College, in this Province.\*

Moved by Dr. Gwynne, seconded by the Reverend Professor Beaven, and

*Resolved,* That Doctors McCaul and Beaven, Professors Potter, Croft and Gwynne be a Committee to take into consideration what steps they would recommend this Council to adopt in reference to the proposed University Bill; and that any two be a quorum.

*October 25th, 1843.*—The Bursar reported that the available funds of the University at this date were £29,125.5.8. No business of special importance was transacted at this Meeting.

*October 27th, 1843.*—The Council considered the Memorial of the Reverend Charles Mathews, M. A., transmitted to the Council by His Excellency the Chancellor, through his Private Secretary. The Council decided that the previous claim made by Mr. Mathews in his Memorial could not be allowed; and that His Excellency and Mr. Mathews be apprized of the result.

*October 31st, 1843.*—Doctor Gwynne moved, seconded by Professor Croft, that, Whereas the number of members of King's College residing in Toronto is now barely sufficient to constitute a quorum of that body; and, Whereas it is evidently in accordance with the spirit of the Charter that the Council should consist of twelve acting Members, be it resolved that a memorial be presented to His Excellency the Chancellor praying him to fill the vacancies which arise from the necessary absence of many of the Members, and thereby relieve those individuals residing in Toronto from a portion of the heavy responsibility and arduous labours which now devolve upon them.

\*See page 231 of this volume, *ante*.

In amendment, it was moved by the Reverend Professor Beaven, seconded by the Reverend Vice President McCaul, that a request be respectfully addressed to the Chancellor that he would be pleased to appoint some person to supply the want of a Member of this Council made by the vacancy in the office of Principal of Upper Canada College, until such vacancy is filled up.

(Other business of no special importance was transacted.)

*November 3rd, 1843.*—The Reverend Vice President McCaul introduced the following Resolution on the recommendation of the Committee, to whom it was referred to consider whether any, and what measures, should be adopted relative to the Honourable Robert Baldwin's University Bill at present before the Legislature—

*Resolved*, That it is expedient to present Petitions to both Houses of the Legislature, praying that they would hear the University by Counsel on the principle and provisions of the Bill recently introduced into the Legislative Assembly by the Honourable the Attorney-General for Canada West.

*Resolved*, That the following shall be the forms of the Petitions referred to in the preceding resolution :—

To the Honourable, the Legislative Assembly, (or Legislative Council,) of the Province of Canada, in Provincial Parliament assembled :—

The Petition of the Council of King's College at York, now Toronto, in that part of the Province formerly called Upper Canada, most respectfully sheweth ;

That your Petitioners have casually learned that a Bill is now before your Honourable House relating to the University of King's College in which enactments are proposed, which contemplate the transfer to a new University of the privileges conferred on this College by Royal Charter, and of the property wherewith it has been endowed, and which provide for certain changes whereby the just rights of the University of King's College would be grievously infringed,

Wherefore your Petitioners humbly pray to be heard by Counsel at the Bar of your Honourable House, in defence of their privileges, property and rights, and that your Honourable House will be pleased to grant to your Petitioners sufficient time to prepare their case for the hearing of your Honourable House, in the event of the first prayer of their petition being granted and your Petitioners as in duty bound will ever pray.

*Resolved*, That the Petition to the House of Assembly be confided for presentation to the Honourable Henry Sherwood, Mayor of this City of Toronto, and that to the Legislative Council to the Honourable William Henry Draper.

NOTE.—At the next Meeting of the College Council, Doctor W. C. Gwynne submitted the following objections, (on behalf of himself and Professor Croft) to the proceedings of the Council on the 3rd instant in regard to the Honourable Robert Baldwin's University Bill now before the Legislature :—

*First.* Because they are of opinion that the amended Charter is not suited to the requirements of this Country ; and that the University of King's College cannot be brought into effectual operation under the present provisions and enactments.

*Secondly.* Because they conceive that the sooner existing imperfections in the Charter are finally remedied the better for the Country ; and implicitly relying upon the justice and wisdom of the present Legislature, they rest satisfied that no Bill will be submitted for, or obtain the Royal Assent, which unnecessarily infringes upon the legitimate corporate rights and privileges of the College Council.

TORONTO, 4th of November, 1843.

W. C. GWYNNE,  
H. H. CROFT.

*November 4th, 1843.*—The President placed on the Table a letter from the Private Secretary of His Excellency the Chancellor, dated the 2nd instant, transmitting drafts of Statutes for the purpose of their being laid before the Council, of which drafts the following are copies :

C. T. METCALFE.

CHAPTER—*Of the Professors:*

WHEREAS,—By a Statute of this University passed on the fourth day of April in the year of Our Lord, 1840, intituled: "Of the Professors"; it is, among other things, in effect, enacted and ordained, that there shall be established in the said University—Professorships, and that the Professors shall have and take precedence and seniority in a certain order therein set forth, and whereas it is deemed expedient to make certain alterations therein ;\*

\* See page 68 of this Volume, *ante*.

Be it therefore ordained and enacted by the College Council of the Chancellor, President and Scholars of King's College, Toronto, in that part of the Province of Canada called Upper Canada ;

*First.* That the said Statute, as far as regards the Professorships and the order of seniority of the Professors, shall be, and the same is hereby, repeated.

*Secondly.* That there shall be established in this University the following Professorships, that is to say :—

1st. A Professorship of Classics, Belle's Lettres, Rhetoric and Logic.

2nd. A Professorship of Divinity, Metaphysics and Moral Philosophy.

3rd. A Professorship of Mathematics and Natural Philosophy.

4th. A Professorship of Chemistry and Experimental Philosophy.

5th. A Professorship of Anatomy and Physiology.

6th. A Professorship of the Theory and Practice of Physic.

7th. A Professorship of Law and Jurisprudence.

8th. A Professorship of the Principles and Practice of Surgery.

9th. A Professorship of Midwifery and Diseases of Women and Children.

10th. A Professorship of Materia Medica, Pharmacy and Botany.

11th. A Professorship of Practical Anatomy to be held with the curatorship of the Anatomical and Pathological Museum.

*Thirdly,* That all Statutes, Rules and Ordinances, applicable to the Professorships in the said recited Statute mentioned, shall be to all intents and purposes whatsoever applicable to the Professorships hereby established.

*Fourthly,* That the duties of the said Professors, respectively, shall be such as usually belong to similar Professorships in the Universities of Great Britain, with all such further, and other, duties as are, or shall be, assigned to, or required, of them by any competent authority in this University.

#### CHAPTER—of the Salaries of the Vice-President and Professors.

By the College Council of the Chancellor, President and Scholars of King's College, Toronto in that part of the Province of Canada called Upper Canada.

Be it enacted and ordained—that the following shall be the annual salaries of the Vice President and the several Professors of this University respectively, that is to say—*Of the Vice President*, £250, of sterling money of the United Kingdom of Great Britain, and Ireland.

1st, of the Professor of Classics, Belles Lettres, Rhetoric and Logic, £500.

2nd, of the Professor of Divinity, Metaphysics and Moral Philosophy, £300.

3rd, of the Professor of Mathematics and Natural Philosophy, £450.

4th, of the Professor of Experimental Philosophy and Chemistry, £450.

5th, of the Professor of Anatomy and Physiology, £200.

6th, of the Professor of the Theory and Practice of Physic, £200.

7th, of the Professor of Law and Jurisprudence, £100

8th, of the Professor of the Principles and Practice of Surgery, £200.

9th, of the Professor of Materia Medica, Pharmacy and Botany, £200.

10th, of the Professor of Practical Anatomy and Curator of Anatomical and Pathological Museums, £250 of sterling money of the said United Kingdom.

That all the said annual salaries shall be paid out of the annual income of this University, and out of that only,—and shall be payable each in four Quarterly payments, on the 1st of January, 1st of April, 1st of July and 1st of October, in each and every year.

The Bursar reported that the South East Wing of the new Building of the University was delivered over to him on the 1st instant by the Contractor, in presence of a gentleman, Mr. Strathy from the Office of the College Solicitor, who saw that the legal forms in these matters were complied with.

*November 9th, 1843.* Moved by the Reverend Vice President McCaul, seconded by the Reverend Professor Beaven and



*Resolved*, that the Honourable William Henry Draper and Professor William Hume Blake be requested to act as Counsel before the House of Assembly in behalf of the University of King's College, against the Honourable Robert Baldwin's University Bill at present before the House; and that the Vice President and the Reverend Professor Beaven be requested to communicate with the Gentlemen named, on the subject.

The Vice President and the Bursar were authorized to attend a summons from the Select Committee of the House of Assembly on Tuesday next the 14th instant.

*November 11th, 1843.*—A Letter was received from the Honourable Dominick Daly, dated the 10th instant, written by command of His Excellency the Governor General and Chancellor, informing the Council that on an arbitration was being settled between the Law Society and the Ordinance Department to the effect that the former Body would give up possession of the Eastern Wing of the Parliament Buildings, which might then be occupied by the University, on the terms, on which they occupy the Western Wing of those Buildings, as agreed to on the 28th of February, 1842; (*page 181, ante.*)

The Registrar was desired in acknowledging the receipt of this Letter to express the thanks of the Council to His Excellency for His communication.

The following Letter from the Honourable Henry Sherwood, dated the 9th instant was read, enclosing a copy of a Resolution passed by the Legislative Assembly that the Council of King's College be in pursuance of their Petition to the House of Assembly in regard to the Honourable Robert Baldwin's University Bill.

Enclosed is a copy of a resolution passed by the Legislative Assembly yesterday, which I beg you will lay before the Council of King's College, and inform them that the 16th of the present month is appointed for the second reading of the Bill on which day the Counsel employed must be in attendance.

KINGSTON, November the 9th, 1843.

HENRY SHERWOOD.

The Honourable Henry Sherwood moves, second by Mr. John S. Cartwright and be

*Resolved*. That the Council of King's College, at York, now Toronto, in that part of this Province formerly called Upper Canada, be, in pursuance of their Petition, heard by Counsel at the Bar of this House, against a Bill intitled: "An Act to provide for the Separate Exercise of the Collegiate University Functions of the College established at the City of Toronto, in Upper Canada,—for incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University; and for the more efficient establishment and satisfactory government of the same.

*November 13th, 1843.*—A letter was read from Professor Croft on the subject of a quorum of the Council as reported to His Excellency the Chancellor on the 31st of October, page 296. It was ordered that the Letter be inserted on the minutes.

(No other business was transacted for want of a quorum. Four members were present.)

*November 18th, 1843.*—Mr. F. W. Barron presented the following Letter from the Private Secretary of His Excellency the Governor General:—

I am directed to acquaint you that as the Governor General has learned, that it is the desire of the Council of King's College that the vacancy in that body, caused by the want of a Principal of Upper Canada College, should be speedily filled up. His Excellency is pleased to appoint you to the office of Principal of Upper Canada College, subject to any permanent arrangement that the interests of that Institution may appear to require.

His Excellency also desires me to inform you that it is proposed to reduce the salary of the office to Five Hundred pounds Provincial currency per annum.

KINGSTON, 16th of November, 1843.

J. M. HIGGINSON.

Mr. Barron having signed the declaration took his seat as a Member of the Council.

The two Chapters of the Statutes, relating to the Professors of the University, proposed by His Excellency the Chancellor and laid before the Council by the President on the 4th instant, (*page 297*) were further considered and, being put from the Chair, clause by clause were passed without amendment.

*November 29th, 1843.*—This Warrant of His Excellency the Governor General, Chancellor of this University, dated the 9th of September, 1843, appointing William R. Beaumont, Esquire M.D. to be Professor of Surgery in this University was produced to the Council and read.

The Audit Committee reported that they had examined the Books and accounts of the University from the 1st of January to the end of June last and found the whole in accurate agreement, with the exception of a misplaced account, which had been rectified.

*December 2nd, 1843.*—At this Meeting no business of any special importance was transacted.

*December 21st, 1843.*—The following Warrants of His Excellency the Chancellor was laid before the Council :

Name of Professor.	Date of Warrant.	Nature of Professorship.
George Herrick, M.D. ....	6th December, 1843	Midwifery and Diseases of Women and Children.
William Bulmer Nicol, M.D.	7th December, 1843	Materia Medica, Pharmacy and Botany.
Henry Sullivan, M.D. ....	8th December, 1843	Care of Anatomical and Pathological Museum.

The Reverend Vice President McCaul moved, seconded by the Reverend Professor Beaven, and

*Resolved*, That the Professors forming the Medical Faculty of the University, together with the Vice President, be requested to draw up a plan, comprising suggestions as to every thing which they consider necessary for putting that Department into speedy and effectual operation.

*December 27th, 1843.* The Reverend Vice President McCaul submitted the following Report from the Medical Faculty :—

The Members of the Medical Faculty of the University beg to Report, that they have taken into consideration conformably to the Minutes of Council of December 21st, 1843 directing that steps to be taken in order to put that Department into speedy and efficient operation. They recommend that the following measures should be adopted without delay, whereby they conceive that the interests of this important Branch of the University will be materially promoted :—

1. That Inaugural Lectures should be delivered by each of the Professors in his own Department, on the first two days of Term in the Public Hall.

2. That the regular courses of Lectures, in each Department should be delivered during the ensuing Term, according to the subjoined Table commencing on Monday, January the 15th, 1844.

3. That immediate arrangements should be made with the Trustees of the Hospital, whereby the Professors of the Medical Faculty should have either the exclusive Medical Superintendence thereof, or a certain number Wards reserved for their sole use.

4. That arrangements should be made for procuring Subjects for the use of the Students, the expenses of which might be paid by the charges to the Students.

The Committee is of opinion that two Lecture Rooms, and a Dissecting Room, will be, for the present, sufficient :—one of the Lecture Rooms to be that occupied by Professor Croft—the other the Room used as a workshop by Professor Sullivan's attendant, or to be constructed in the same building with the Dissecting Room.—and that a frame building erected on the North, or West, side of the Western wing will be sufficient for the above purposes.

TORONTO, 27th of December, 1843.

JOHN McCAUL, Chairman.

*Table referred to in Paragraph Number 2.*

	Monday.	Tuesday.	Wednesday.	Thursday	Friday.	Saturday.
Practical Anatomy.....	10	10	10	10	10	10
Anatomy and Physiology .....	11	11	11	11	11	
Chemistry.....	12	12	12	12	12	
Hospital Attendance and Chemical Lectures.....	1	1	1	1	1	1
Theory and Practice of Medicine	2	2	2	2	2	
Principles and Practice of Surgery	3	3	3	3	3	
Midwifery and Diseases of Women and Children.....	4		4		4	
Materia Medica .....		4		4		2

Moved by the Reverend Vice President McCaul seconded by the Reverend Professor Beaven, that the Report of the Medical Faculty be received. Which was carried.

*December 30th, 1843.*—At this meeting of the Council no business of special importance was transacted.

## CHAPTER XXVII.

## ADMINISTRATION OF THE COMMON SCHOOL LAW, 1842, 1843.

Although the Common School Act of 1841 was passed on the 18th of September, 1841, it was not until May of the following year that the appointment of the Chief Executive Officers was made, with a view to carry it into effect. No doubt a difficulty was experienced in making these appointments, owing to the fact that, while the Act of 1841 made provision for a Chief Superintendent of Education for the whole of the United Province of Canada, it made no provision whatever for the appointment of a Subordinate Executive Officer for each of the newly United Provinces,—whose circumstances, population, language, traditions and usages were so entirely different from one another. To get over the administrative difficulty in the case, His Excellency the Governor General, Sir Charles Bagot, in Council, passed an order to the effect that, while a Chief Superintendent for the whole Province, as provided for in the Act of 1841, and was desirable, yet the appointment of an Assistant Superintendent for each of the Provinces was a much more practical necessity.\* Accordingly, on the 11th of May, 1842, the following official notice appeared in the *Canada Gazette*:—

His Excellency the Governor General has been pleased to make the following appointments:—

The Honourable Robert Sympson Jameson, Vice-Chancellor of Upper Canada, to be (Chief) Superintendent of Education, under the Provincial Act, 4th and 5th Victoria, Chapter 18.

The Reverend Robert Murray, M.A., and Jean Baptiste Meilleur, Esquire, M.D., to be Assistant Superintendents of Education for Western and Eastern Canada, respectively.

These subordinate provisional officers were, in reality, Chief Clerks in the Provincial Secretary's Office, and, as such, had no executive authority of their own, but had to submit for approval their drafts of Letters to the Provincial Secretary. In 1843-4, after the Common School Act of 1843, which made provision for the appointment of these officers, the drafts of letters sent out were submitted to Sir Charles Metcalfe, the Governor General, for his approval. Several of such drafts initialled by the Governor General are on file among the old records of the Education Department.

As might have been expected, when an Officer had been appointed to look after Educational affairs, questions arising in Upper Canada, under the Common School Act of 1841, were referred to him. I have selected for this Chapter such

\* It was not until the Common School Act of 1843 was passed that provision was made for the appointment of a Chief and two Assistant Superintendents of Education—one for each Province of Upper and Lower Canada.



typical cases as were dealt with by the Assistant Superintendent, with a view to shew what was the administrative policy of those days, and how the educational difficulties and local questions, which arose under the Common School Act of 1841, were considered and disposed of in 1842 and 1843

#### CASES ARISING IN 1842 UNDER THE GRAMMAR AND COMMON SCHOOL ACTS.

Shortly after the appointment of the Reverend Robert Murray, M.A., as Assistant Superintendent of Education for Upper Canada, a Letter was written to him by the Reverend Henry Gordon, of Gananoque, asking him for information in regard to Grammar Schools. He replied that Grammar Schools were not under his jurisdiction, but that he would give his views on the subject, which he did, as follows :—

The Special Act of 1841, in which provision was made for the appropriation of funds derived from the sale of School Lands, [page 55 of this Volume,] authorized the expenditure of One Hundred Pounds per annum each for the support of two additional Grammar Schools, in Districts where the inhabitants had built a suitable School House, at which not less than fifty scholars shall be educated, and that such School shall not be with six miles of the District Town. These are the requisites to entitle you to petition [King's College Council] for aid in support of a Grammar School at Gananoque.

As regards the qualifications of a Grammar School Teacher, nothing is said in the Act ; but certainly the Teacher of a Grammar School should be well qualified to prepare young men for entering any University. If a lower standard is acted upon, the end contemplated by the Government in the erection of these Schools will not be attained.

I am of opinion, that, if the District Councils and Township School Commissioners were fully aware of the sacred trust which has been reposed in them by the Government, there would be no difficulty in securing abundance of well educated and pious young men to teach the rising generation. But, so long as Townships are to be divided into twenty or thirty School districts, and the Township Commissioners are vested with the power, which they now have, generations unborn must bear with them to the grave sad evidence that their instructors were neither learned nor pious.

#### OBJECTION TO CATECHISTS AS COMMON SCHOOL TEACHERS.

I have received a Circular from Montreal regarding Teachers and Catechists from Scotland. . . . The probability is that the vast importance of the subject may induce me to open a direct communication with the Society at Home on the subject.

You ask particularly what encouragement the Government will give to such Teachers as are pointed to in the Circular from Montreal. The Government, you must be aware, have, by the School Act of 1841, delegated their power into other hands, and, therefore, as such, have no direct authority in the matter. But I may state that the Government take the deepest interest in the education of our youth, and would rejoice in the adoption of any prudent plan to secure so desirable an end as good Teachers.

But, it is quite unreasonable to suppose that the Teachers of our Common Schools should be under the direction of the Synod of Canada, or the Presbyteries of our Church as Catechists. Let them drop the name of Catechist, and retain that of Teacher, and then, in their proper place, they can teach not only Christian morality, but also the first and great principles of the Christian Religion, without giving offence to any particular sect, or party. In this capacity, and under these restrictions, the arrival of these Teachers will be hailed as an omen of good ; but if they come as Teachers and Catechists, in one inseparable character, the demand for their services must be limited. If the Church of Scotland's Assembly's Committee will not send out Teachers, (unless they are also to act as Catechists), they will meet with little encouragement, excepting in Schools purely Presbyterian. Besides, our own Church, notwithstanding all her liberality and Christian charity, would be among the very first to cry out, if any other Church should attempt to fill our Common Schools with their Catechists, and thus force them upon us as the Teachers of our children. In matters which interest all, let us do to others as we would they should do to us.

ROBERT MURRAY.

KINGSTON, 24th of May, 1842.

## APPORTIONMENT OF THE COMMON SCHOOL GRANT IN 1842.

In a letter to Mr. R. D. Macleod, of Whitchurch, Mr. Murray said :—

The proportion of the Fifty Thousand Pounds (£50,000), belonging to Canada West has been apportioned among the different Municipal Districts of the Province, and the proportion belonging to each District has been intimated to the District Treasurer. I cannot tell when the monies shall be paid to him by the Receiver-General, as the School Act does not specify any particular period for such payment.

It is intended to put the School Act of 1841 into operation fully, as in this way only can its defects be demonstrated, and a sufficient mass of evidence collected, not only to warrant an appeal to the Legislature to amend that Act, but also to enable them to do so in a way more beneficial to all connected with the Schools.

I may state, for your satisfaction, that the Government have the interests of Education deeply at heart ; and whatever alterations may be made in the present Act, the increased comfort and respectability of the Teachers will not be lost sight of.

## IMPERFECTIONS IN THE COMMON SCHOOL ACT OF 1841, AS REGARDS TEACHERS.

The present School Act gives the Chief Superintendent no power, either directly, or indirectly, in the examination of Teachers. But Teachers should submit to the law, as it now stands ; and, I trust the time is not distant, when they shall have an opportunity of having their acquirements ascertained before a Board, in every way competent to appreciate their merits.

I cannot refrain from expressing my sorrow that the Teachers of Common Schools have hitherto neither been protected, provided for, nor respected as the Teachers of youth ought to be : but you may rest assured, that whatever influence I possess from my present appointment, shall be exerted in securing the protection, comfort and respectability of Common School Teachers.

I feel obliged by your offer to render me what assistance you can in the back Townships, but I have no power to appoint Assistants at present to aid in any part of my duty, so that, however important your labours might be, I cannot avail myself of them.

ROBERT MURRAY.

KINGSTON, 4th of June, 1842.

## A GRAMMAR SCHOOL FOR THE VILLAGE OF GRAFTON.

The Reverend William, (afterwards Doctor), Reid, who was in 1842 Minister of the Presbyterian Church at Grafton, in the Newcastle District, wrote to Mr. Murray about a Grammar School for that Village. He thus urged its claims :

Grafton is situated about seven miles from Cobourg, and, although, not extensive as yet as a Village, it is surrounded by a well settled and improving neighbourhood. There are a great many children in the vicinity, and there is already available a commodious Schoolroom. . . . I should wish to put this place strongly in your view. Any necessary information could be obtained from Mr. T. Johnston Grover, Grafton, as I am compelled, by my health, to take a voyage to Scotland during the summer.

WILLIAM REID.

GRAFTON, 4th of June, 1842.

[NOTE.—Mr. Murray's reply to the Reverend Henry Gordon on page 302 meets this case.]

## CAN A TEACHER BE APPOINTED BEFORE THE SCHOOL HOUSE IS BUILT?

In reply to Letter from Loughborough, asking if a Teacher could be legally appointed to a School, before the erection of the School House, Mr. Murray replied as follows :—

The Commissioners are legally entitled to appoint Teachers in every School district within their Township, on the conditions limited in the third clause of the seventh Section of the School Act of 1841. It is true that the first clause of the same Section seems to delay the appointment

of the Teacher in any School district until a School House is provided. But this cannot be understood literally; and, if you can find any House in which the School can be kept for a little while, until the School House is provided, there can be no objection to the present appointment of the Teacher.

I am not aware that the School Act grants authority to the Township Commissioners to agree with Teachers for any sum exceeding the amount of the School Fund and District School Tax belonging to the School district to which the Teacher is appointed, to be increased by the School fees. Whatever sum is guaranteed beyond these two sums, must be a matter of private arrangement and personal responsibility with the existing Commissioners of the Township, and cannot be understood to devolve in any manner or way upon their successors in office.

KINGSTON, 17th of June, 1842.

ROBERT MURRAY.

### MODE OF APPORTIONING THE SCHOOL GRANT IN 1842.

It will be seen from the Orders-in-Council on pages 233-236 of this Volume, what were the difficulties experienced by the Government, in making the School apportionment of 1842. In reply to a Letter on the subject, Mr. Murray said:—

The apportionment of the School Fund to the several Common School districts is a duty devolved, by the School Act, upon the District Council. The data upon which the apportionment is to be made is clearly pointed out in the second clause of the fifth Section of that Act, which directs that the grant shall be distributed in proportion to the number of children in each Common School district, between the ages of five and sixteen years. For this year the grant is to be distributed in proportion to the number of children in each School district under sixteen years of age, according to the Census of 1841.

The Act does not countenance the subdivision of the apportionment to the School district, either by the number of School districts, or by the number of Schools in actual operation within the Municipal District. But, for the present year, it would appear reasonable to divide the moneys obtained from the Common School Fund among the Schools in actual operation, in proportion to the average number of children attending each School. However, District Councils are authorized, by the Act, to determine this point.

### FEMALE TEACHERS NOT AUTHORIZED BY THE COMMON SCHOOL ACT.

It does not appear that the School Act of 1841 ever contemplated the employment of Female Teachers in the Common Schools. The masculine pronoun is invariably used in the Act, when speaking of Teachers. This is clear from the third clause of the eighth Section. Besides, if they are to receive any of the public money they must be examined before the Township School Commissioners, as to learning and ability.

### ATTENDANCE OF CHILDREN AT THEIR OWN SCHOOL DISTRICT.

The Act does not provide for theoretical cases of school attendance; but, as special cases must occasionally occur, the plain common sense view appears to be that, if the children of a School district should attend in any other School district they choose, either in that, or the immediately adjoining Township, the School Commissioners in the Township where the School is vacant should pay to the Teacher, or Teachers, whom these children attend, the proportionate share of the School Fund, Tax, or Fees, which should have been given to the Teacher in the vacant School district.

### SPECIAL CASES OF EXEMPTION FROM SCHOOL TAX.

It was never intended by the Act that any School district should be exempted from paying the School Tax, excepting in the case of poverty. District Councils are not only required to apportion the School Fund among the several School districts, but also to direct, that an equal sum be raised within such district for the purposes of this Act. Whatever amount, therefore, is apportioned to any School district from the School Fund, the same is the least amount of the School Tax to be imposed upon that district.

### MEANING OF THE TERM: "RELIGIOUS FAITH."

The term "religious faith" in the eleventh Section of the Act, in so far as Christians are concerned, applies only to Roman Catholics and Protestants. I believe that Jews might also avail themselves of it.



## HOW DEBTS DUE ON SCHOOL HOUSES SHOULD BE ADJUSTED.

It does not appear reasonable that any act of subdividing the Township into School districts, should deprive individuals of their personal interest in school property formerly acquired. Such claims should be considered as debts due upon the School House, and should be paid for by a tax upon the School district in which the School House is situated. But, to do justice in such cases, the School House should be valued, then as the original cost is to the present value, so is the sum paid, to the money to be returned.

It is scarcely possible that any body of Trustees, under the old School Acts should refuse to give up the titles, etcetera, belonging to any public Common School. The law, which granted them power, has ceased to exist, and with it their right to hold the property has also ceased. But it is evident that there may be cases, so materially altered by peculiar circumstances, that no general rule can apply to them.

ROBERT MURRAY.

KINGSTON, 18th of June, 1842.

## SHOULD THE BIBLE BE USED AS A TEXT BOOK IN SCHOOLS?

Mr. John Treffrey, a Township School Commissioner, wrote as follows:—

I write to you for advice how to act with respect to carrying into effect the Law passed last session of Parliament relating to Public Education,—I having been chosen one of the seven School Commissioners for this Township and, by them, appointed their Chairman.

A few days since we met to transact business; among other subjects discussed, was what Books should be used in the Schools. I proposed that the New Testament should be one, but I was strongly opposed by all present except one, who appeared indifferent about it. This is a populous Township, with, I believe, a population of upwards of three thousand persons in it.

I am sorry to say that many of the Schools are badly supplied with Books, and particularly with the Scriptures. I am, therefore, the more anxious that the rising generation should have a better opportunity of reading the Bible than they have at present, by introducing the Scriptures into the Schools. I consider it would be the means of getting the Bible into their houses. My opponents say that it is by this means of teaching that the youth take the Sacred Name in a vain manner, and also learn to swear, and to dislike the Bible, on account of being made to labour in it, when learning to read.

I am no bigot, or sectarian, nor do I wish any note or comment to be used by any of the Teachers, when the Bible is read. Please to give me your opinion if the Bible is a proper Book to be used in Public Schools, and what other Books you would recommend, taking into consideration that ours is a rural Township, and schooling is at a very low ebb at present. I consider it would be best that a kind of uniformity of instruction should be established throughout the Province, (at least in Canada West); and that it should emanate from the Chief Superintendent. It would be the means of preventing many unpleasant controversies between the School Commissioners and the people of the Township.

JOHN TREFFREY.

OTTERVILLE, 4th of July, 1842.

In Mr. Treffrey's Letter, he raises the practical point, as to whether the use of the Bible as a Common Reading Book, or rather a Book by the use of which children can be taught to read, has not the effect of associating the Bible in the minds of the children thus used with that of distasteful tasks to be learned.

Mr. Murray, in the following reply, does not fairly meet this point, but practically ignores it, as not the question at issue. The case he cites as a parallel one is not so in reality, so that, in point of fact, Mr. Treffrey is rather mystified than enlightened on the subject.\*

\* In one of Dr. Ryerson's Letters, he says:—"The principal opposition which, in 1846, and for several years afterwards, I encountered was that I did not make the Bible compulsory in the Schools, but simply recognized the right of Protestants to use it in the Schools, (not as an ordinary reading book, as it was not given to teach us how to read, but to teach us the way to Heaven,) as a book of religious instruction, without the right, or the power, of compelling any one to use it."—"Story of My Life," page 429.

Mr. Murray's reply was as follows :—

You ask my opinion of the New Testament as a School-Book, and what other Books I would recommend for your Township. (See pages 4-8 of this volume.)

In reply, I have to state, that I can see no valid objection to the use of the New Testament in every Protestant School. I can see no tendency whatever in the use of that Book, to lead youth either to take the Sacred Name in vain, or to become profane swearers. The same argument might be used, and with the same reasons, and with equal propriety, to keep youth away from the public and private exercises of Religion. But I have never observed that reading the Scriptures and attending the public and private exercises of Religion have the most remote tendency to encourage profanity.

With regard to children being led to dislike the Scriptures from being made to labour in and at them, when learning to read, I am aware that many urge that argument to cast out the Book. But, I would remark that the fault is not in the Book, but in the Teachers, who, while teaching the Scriptures do not show the spirit of the Scriptures in the discipline of their School. Besides, it is a matter of fact, that those who have not used the Scriptures, as a School-Book are generally lamentably ignorant of their contents.

The selection of School-Books having been, by the School Act, entrusted to the School Commissioners in each Township, my attention has not yet been much directed to the subject, and, therefore I must at present decline recommending any. However as the Chief Superintendent is directed to bring round uniformity in the Schools, the subject shall receive early and serious attention.

ROBERT MURRAY.

KINGSTON, 13th of July, 1842.

#### ASSESSING SCHOOL DISTRICTS.—TIME OF KEEPING THE SCHOOLS OPEN.

The following Letter was addressed to Mr. William Hutton, of Belleville, in reply to a number of questions proposed to Mr. Murray by Mr. Hutton,—who was a Cousin of the Honourable Francis Hincks:—

With regard to the assessment on School districts, where no Teachers are, the School Act is silent, and, therefore, the assessment may, I suppose, be levied as the District Council thinks fit, but only for educational purposes.

The School Act of 1841 is quite express regarding the School being kept open for nine months of the year, so as to entitle the School district to receive any part of the School Fund. But this part of the School Act is so unsatisfactory that something must be done to simplify it. The School Masters in exempted School districts receive only their share of the general School fund. There is no other fund for them.

It is very desirable that the Schools should be kept open all the year round, with the exception of five, or six, weeks of recess, or holiday. For, although a number of children may not be able to attend the School, still some, whose parents would wish to advance the education of their children might suffer much from a vacancy of long duration. But a provision must if possible be made in the amendment of the Act, so as to enable Teachers to receive their salaries quarterly, without particularly specifying that the Schools must be kept open during the whole year. And, with this view the forms of Reports require the average attendance of the Schools to be made quarterly, as well as annually.

The School having been open for nine months of the year, the Township School Commissioners are authorized to grant their Warrant for the sum due to that School district, and they can apportion the money to the Teachers, according to the respective times of the Schools being open.

#### UNION OF SCHOOL DISTRICTS.—COLLECTING SCHOOL TAXES.

There does not appear to be any thing in the Act to prevent the union of School districts in Townships. The District Council have evidently had granted to them a discretionary power in this respect by the first clause of the fifth Section of the School Act,—and the Commissioners in the Township where the School House is placed, have the charge of such School House.

There can be no good reason, in my opinion, to burden the Teacher's small income with the expense of the Township Collector's fees for collecting the School fees—which the Teacher can do better than anyone else and without any expense to him. This clause shall certainly be amended when the School Bill is revised.

## SCHOOL FUND APPORTIONMENT.—EQUIVALENT ASSESSMENT REQUIRED.

The apportionment of the School Fund of 1842 to the Districts was made upon the census of last year, and in the ratio of the whole School population under sixteen years of age—of which there were in the returns of the Victoria District 6,269.

It appears to me that District Councils have the power of assessing the School districts for a larger sum than their respective apportionments from the School Fund; although they have no power to make it less than that apportionment, excepting where the School districts are altogether exempted from tax. This is clear from the twelfth Section, wherein it is enacted,

“That the sum paid by the inhabitants by assessment, or otherwise, towards the support of such Common School, for the period for which the apportionment shall be made, shall have been at least equal to the sum apportioned.”

But even double the appropriation from the School Fund, collected as an assessment from the School districts, would, on an average, be utterly inadequate to secure well qualified Teachers. The very least sum to be raised by assessment on the School districts, in order to secure even moderately qualified Teachers, would, on an average, have to be six times the sum coming from the School Fund. But such a tax would be as oppressive, as it is unnecessary.

There appears but one way of making the School Act an instrument of great good, without any oppressive taxation, and that is, by reducing the number of School districts, and laying them off with some regard to order. I conceive that four Schools in a Township of twelve miles square would be a blessing, whereas eighteen, or twenty-four, would be a great burden,—nay a curse to the Township, for they could not afford to support qualified Teachers in hardly any of them; and, until the District Councils revise their subdivisions of Townships into School districts, the expectations of the people must be utterly disappointed.

ROBERT MURRAY.

KINGSTON, 15th of July, 1842.

## SPECIAL PAYMENT OF THE SCHOOL FUND TO THE NEWCASTLE DISTRICT.

The Warden of the Newcastle District wrote the following letter to Mr. Murray, asking that the School Fund of 1842 be paid to that District,—it not being able to raise the statutory required equivalent assessment:—

I have been directed by the Municipal Council of the District of Newcastle, to state to you that, in consequence of the present depressed state of the Country, arising from the scarcity of money, and the low price at which agricultural produce of every description is now selling, the Council are of opinion that it would not be possible to enforce the provisions of the School Act in regard to taxation, without occasioning great distress and dissatisfaction throughout the District, they are, therefore, altogether averse to make any assessment to raise the money for the payment of School Masters, and the maintenance of Common Schools in the different Townships of this District; at the same time, they hope that they may be allowed to receive their portion of the public money from the Provincial Treasury, without being required to raise and levy an equal amount within the District.

WALTER BOSWELL, Warden.

COBOURG, 15th of November, 1842.

To this letter Mr. Murray replied as follows:—

In reply, I have to state, that the School Fund this year will be paid, notwithstanding the refusal of the District Council to assess an equal sum. The Executive Government conceive themselves warranted to do so, by the twelfth Section of the School Act.\*

ROBERT MURRAY.

KINGSTON, 3rd of December, 1842.

\*The provision in the twelfth Section of the Common School Act, 1841, to which Mr. Murray refers, is as follows:—“Provided, that nothing in this Section contained shall prevent, or be construed to prevent, the apportionment and payment of monies under this Act, towards the establishment and maintenance of any Common School for the first year after the passing of this Act. (See pages 232-236 of this Volume, ante.)



### THE LAW RELATING TO DISSENTIENT SCHOOLS IN CITIES AND TOWNS.

The following Letter, addressed to the Reverend Robert Murray on behalf of the Home District Council, contained a number of queries in regard to "Dissentient Schools" in Cities and Towns:—

1. Is it allowed by the School Act for parties in Cities, or Towns Corporate, to be "Dissentients" under Section eleven, as is provided in the case of Townships or Parishes?

2. In case of their being so allowed, could they, as Dissentients, in a City, or Town Corporate, combine, so as to establish one School, or must they establish Separate Schools in the several School districts in which they reside?; and—

3. Would the children in one School district in a City be allowed to attend the School in a neighbouring School district, or districts?

On conferring with the Clerk of the Toronto City Council, in regard to the Act, as applicable to the City, he remarked to me that he understood, that, until the Act was amended, nothing could be done in this City, in consequence of there being, in no one School district in the City, a sufficient number of Roman Catholic children to form a School, and that the Roman Catholics had expressed their intention of not sending any of their children to the Protestant Schools. I understood from the tenor of his remarks, that the appointment of one-half of the Board of Examiners of the Roman Catholic persuasion, was altogether inapplicable to our City.

JOHN ELLIOTT, Clerk.

TORONTO, 7th of December, 1842.

Mr. Murray's reply was as follows:—

*First Query.* Answer:—I have to state in answer to the first query in your Letter, that I do not believe that the provisions of the eleventh Section of the School Act of 1841 are extended to Cities and Corporate Towns. Townships and Parishes are expressly mentioned in the eleventh Section, and no reference whatever is made in this Section of the Act, or in any of the Sections to Schools in Cities and Corporate Towns.

My opinion of the provisions in the eleventh Section, is that it applies only to Roman Catholics and Protestants; and this view is borne out, and provided for, as regards Cities and Corporate Towns, in the sixteenth Section of the Act. The Attorney-General's opinion is that the eleventh Section is applicable to every Christian Denomination.

*Second Query.* Answer:—If the eleventh Section of the Act is at all applicable to Cities and Corporate Towns, it is evident that they can combine throughout the City, or Town, to form one, or more, Schools,—it being the same power which is granted to Townships and Parishes.

*Third Query.* Answer:—If this query respects the children of those who are "Dissentients," it is evident, that in Townships and Parishes, they are entitled to attend the Dissentient School, wherever situated; but, if it refers to the other Common Schools within the Cities and Corporate Towns, it is not so easily answered. In Townships, I am of opinion,—however hard it may appear,—that the Act makes no provision for children who do not attend School in their own School district. The only thing in that Act which leads me to form a different opinion respecting Cities and Corporate Towns, is in the sixteenth Section, where it is provided that the Board of Examiners shall be divided into two departments—the one to consist of Roman Catholics, the other of Protestants; the Roman Catholic department to have the supervision of Schools attended by Roman Catholic children only, and the Protestant department to have the supervision of Schools attended by Protestant children only. Now, it is not probable, that in a single School district in any of our Cities, or Towns Corporate, the whole of our inhabitants should be found to be either Roman Catholics, or Protestants, and, as laws are not made to meet improbabilities, I conceive the School Act does not sanction children in Cities and Corporate Towns going from one School district to another; at all events, in so far as Roman Catholics and Protestants are concerned.

With regard to the appointment of the Board of Examiners in Cities and Corporate Towns, there can be nothing clearer than that one-half of the Board of Examiners shall, in all cases, be Roman Catholics, and the other half Protestants; this is abundantly evident from the sixteenth Section of the Act. There is no exception either as regards place, or person.

ROBERT MURRAY.

KINGSTON, 9th of December, 1842.

## CAN THE LEGISLATIVE GRANT BE PAID WHERE THE SCHOOL ACT IS REJECTED?

Mr. Cruickshank of Nepean wrote as follows :—

In consequence of the rejection of the Common School Act by the District Council of Dalhousie, the School Commissioners elected at the Township Meeting, held in January last, were unable to proceed to the appointment of School Masters,—a duty which would have devolved upon them, had the District Council adopted the School Act, and complied with what it requires on their part, as a District Board of Education.

Are the salaries of the Teachers of Common Schools in the Township of Nepean to be paid this year on Warrants signed by the School Commissioners of the Township?

To whom are salaries to be paid?—to all the Teachers now in the Township who, last year, were entitled to receive salaries from Government, and to these alone; or, are other efficient Teachers likewise to participate in the grant of the present year?

Is each Teacher to receive an equal amount of salary?

Should salaries now due remain unpaid until after the next annual Township Meeting, at which new Commissioners are to be elected, or can the present Commissioners meet and grant Warrants for the payment of the same?

J. CRUICKSHANK.

BYTOWN, 14th of December, 1842.

The Reverend Robert Murray replied, as follows :—

In reply, I have to state, that, if the Township School Commissioners have taken any supervision of the Schools in their Township, their Warrant will be required, but if they have not acted in any way, or have not taken charge of the Schools, it is probable the Executive Government may give some instructions to meet such cases.

All the Teachers recognized by the School Commissioners will receive the sum apportioned to their respective School districts. But, in particular cases, special instructions will, in all probability, be given to the District Treasurers for their direction.

The School Act provides that the Teachers shall receive a share of the School Fund, in proportion to the number of children between the ages of 5 and 16 years in the School districts which they occupy. Suppose a School district has 200 children between the ages of 5 and 16 years, the Teacher will receive double the amount that the Teacher in the School district containing only one hundred such children.

The Township Commissioners for the present year are enjoined to deliver up to their successors in office, their Books, et cetera, within ten days after the expiration of their respective periods of service, that is, on, or before, the tenth of January, after which they cease to act as School Commissioners; but their successors will be entitled to discharge the duties remaining unfinished. If the Warrants for 1842 are not granted by the Commissioners for this year, they may be granted after the tenth of January by their successors.

ROBERT MURRAY.

KINGSTON, 22nd of December, 1842.

## THE DESIRABILITY OF ESTABLISHING FEMALE SEMINARIES.

The following is a Letter from Mr. John Blackwood, of Brockville, recommending the establishment of Seminaries for females :—

I beg leave to call your attention to a subject of the greatest importance, and one, in which, I am persuaded that, apart from your official duties, you will feel the liveliest interest :—I allude to the establishment of Female Schools with a Government allowance, and a Foundation, similar to that now granted to District (Grammar) Schools.

In 1839, Mrs. Blackwood addressed a communication from Cornwall, on the subject, to Sir George Arthur, to which she received such an answer as induced her to apply to the House of Assembly of the then Province of Upper Canada through Mr. G. S. Jarvis, the member for Cornwall. Her petition was referred to a Committee of the House, “which reported favourably” on the subject,\* but, as the all absorbing question of the Union of the Provinces was just then brought under their consideration by Lord Sydenham, no further action was taken in the

\*For this Report, see page 222 of the Third Volume of this Documentary. See also pages 221 and 223.

matter : and there it remains. — though every day seems to render more apparent the propriety, if not the necessity, of providing for the suitable instruction of those who are destined to become the wives and mothers of our future legislators and magistrates, and who may, in a high degree, exercise an influence in the affairs of the noble Province. Mrs. Blackwood who is the Daughter of an old and experienced Teacher, the late Reverend Daniel Keith, D.D., formerly of Aberdeen, Scotland, has conducted a Young Ladies' School for several years, in Montreal and Cornwall ; (she returned to this place last autumn ;) and, although, she had under her charge young ladies belonging to families of the first respectability in both parts of the Province . . . yet she has found other parents so fickle and changeable that she could not depend upon their children's remaining from one quarter to another ; and, in many cases, there was no certainty of their completing the quarter they had commenced, so great is the charm of new faces with some people.

Under such a state of things, it is impossible, at least as far as my observation has extended, that Education can flourish ; for those who are inclined to be steady in their support of a good School are so few that the means derived from them are in most cases inadequate to give more than a bare subsistence to the Teacher. . . .

JOHN BLACKWOOD, junior.

BROCKVILLE, 5th of June, 1843.

Mr. Murray's reply was as follows :—

In reply, I have to state that I have long regretted the want of a more efficient system of Female Education. Perhaps my views on the subject are peculiar, and cannot, at present, be carried into extensive operation ; but I am decidedly of opinion that there ought to be a Female School in every Corporate Town, where female branches of education, and female duties in connection with Christian morality, should be particularly attended to.

I purpose to bring the subject under the notice of His Excellency in my Annual Report on Common Schools,\* and I think it might be well that the subject should again be brought before the Legislature by petition.

But education is such a lamentable state all over the Province at present that we cannot expect everything to be put right during one Session of the Legislature. Much will be gained if we can even make the rising generation a little better informed than their seniors, for the tide of ignorance at present seems almost resistless.

ROBERT MURRAY.

KINGSTON, 7th of June, 1843.

#### OBJECTION TO PAYING THE SALARIES OF FEMALE TEACHERS.

The following is a Letter from the Reverend John Flood, enquiring if Female Teachers are to be excluded from a share of the Common School fund ?

I have been informed that Female Teachers are not to receive any portion of the Government School Grant. Now, there are in the Township of Goulbourn two Schools, which are taught by Females during eight months of the past year. The people have been so much pressed for money, that these Teachers have received very little indeed for their time and labour. Their scholars were taught as well as any others in the Township, and, if they had not been appointed by the Township Commissioners to these Schools, the Schools would not have been in operation at all, for no other Teachers could be obtained. Everything respecting the Schools in this District has been irregular, in consequence of the Council's not complying with the School Act. For these reasons, I am earnest in requesting you, if it is in your power, to do something in favour of these poor girls. They are in distress, and a share of the Government money would be to them a great relief.

JOHN FLOOD.

RICHMOND, 15th of May, 1843.

Mr. Murray replied as follows :—

In reply, I have to state, that Female Teachers are entitled to their share of the School Fund for 1842, on the same terms and in the same proportion as Male Teachers. I believe that the instructions from the Government to the District Treasurer were, that he should divide the School Fund among all of the Teachers, in proportion to the time they had each taught, and on the basis the average attendance at their Schools in 1842. These instructions were both confirmed and explained by a Minute of His Excellency in Council. . . . (See pages 232-234, *ante*.)

\*Mr. Murray's Annual Report, written in October, 1843, will be found on pages 262-267 *ante*. It contains no reference to the subject of Female Education.



From this you will observe, that, neither the District Treasurer, nor the Township Commissioners have any power to exclude Female Teachers from a share in the School Fund. . . . You will make the views of the Executive Government known to those who endeavour to deprive these Teachers of their just right. But, if any other difficulty should arise to keep them out of their money, please explain the nature of it, and say by whom it is raised and I shall endeavour to remove it.

KINGSTON, 18th of May, 1843.

ROBERT MURRAY.

. In a Letter from the Reverend William Reid of Grafton, he asks several questions regarding Female Teachers of Common Schools :—

At the request of the Common School Commissioners of the Township of Haldimand, I desire to ask your opinion regarding a point on which there seems to exist a good deal of diversity of sentiment. It is, whether Township School Commissioners are at liberty, according to the late Education Act of 1841, to employ, in any case, Female Teachers in the Common Schools? In the School Act the Teachers are constantly spoken of as "Male Teachers." But, perhaps, it may not be in opposition to the spirit of the Act to employ in particular cases Female Teachers whose qualifications may be approved of.

GRAFTON, 15th of June, 1843.

WILLIAM REID.

Mr. Murray replied to this Letter as follows :—

In reply, I beg to state, that the Township School Commissioners have, in very many cases all over Canada West, appointed Female Teachers, wherever they judged it prudent to do so. Concerning the third division of the seventh Section of the School Act, in which the masculine pronoun only is used, when speaking of Teachers, admits of that interpretation. The Executive Government have recognized this interpretation of the Act, by admitting Female Teachers to receive their proportion of the School Fund.

KINGSTON, 20th of June, 1843.

ROBERT MURRAY.

#### SUGGESTIONS FOR THE IMPROVEMENT OF THE COMMON SCHOOL LAW.

The following suggestions for the amendment and improvement of the Common School Act of 1841, were made by Doctor Craigie of Ancaster, whose opinions on educational matters in 1839, are given on pages 269-271 of the Third Volume of this Documentary History.

It was my intention as a Common School Commissioner of this Township to have endeavored to have got the Commissioners to consider and communicate to you such information as might be thought conducive to the improvement of the present School Act. But as there was no time for the discussion of the subject at our last meeting, I beg to offer you the results of my experience as a Common School Commissioner.

There are two things, however, that I must premise :—

*First*, that a system of education to be really useful and effective must be based firmly on Religion. No man who believes the Scriptures to be the Oracles of God, who believes in His promise to preserve and bless them and in His Omnipotence, which is pledged to give it effect, can reasonably hope, or expect, that a system of education, of which a primary object is not instruction in the momentous facts, and all-important doctrines of the Bible, could receive this blessing, or be attended, or followed, with success; and the mere politician, who knows anything of Government, and of the History of Education,—its signal success, where based on Religion, and its signal failure, where otherwise,—must inevitably arrive at the same conclusion.

Believing these to be your opinions also, I yet state them as concisely as possible, since the testimony of a Layman may be received by some as free from any tincture of professional zeal, or professional prejudices.

*Secondly*, I could wish to see the present School Act entirely and wholly annulled, and, in its place, one substituted, vesting the powers in one Central Board for Canada West, and one Subsidiary Board for each Municipal District. Not with any view of superseding you, I would promote you to be Secretary of the Central Board, with a competent salary. Fearing, however, that the attempt will only be made to improve the details of the present Act, I would suggest that the Commissioners be elected in a regular and formal manner as is a Councilman, or M. P. P.,

that they should have more extensive powers, not only to subdivide these Townships into School districts, but to levy and enforce the necessary taxes. They should be elected for two years, half or ——— to go out every year, (that is, where there are seven,—three to be elected one year, and four the next). They should have powers to enforce payment of school-fees in advance, and payment also for firewood, in the same way ; to exclude the personally unclean children\* and the incorrigibly turbulent ; to have a code of rules laid down for them to assure uniformity of action, and to be subject to heavy penalties for refusing to act (for no person will voluntarily solicit the office), and for neglect of duty.

Some literary qualification should be required. How that is to be obtained, I know not. Moral qualifications also are necessary. It is preposterous to have a person of bad moral character (an infidel perhaps), as a Supervisor of Schools. The fact is, the Country does not possess qualified Commissioners of Schools ; and, if it did, it is ten to one against their election. . . . Speaking of the Representation of the people, I wish, as they are all in your neighborhood, that you would endeavour to infuse both Religion and Christianity into the "Collective Wisdom" of the Country. . . . The people have been, are, and will be, led or driven, either by the few master minds, or by those whom God's Providence has placed over them. Supposing Commissioners to be found, their duties are so onerous and occupy so much time, as to require remuneration. All of our Commissioners will have lost one-tenth part of their time and some of them much more. This is too great a sacrifice to require ; and I am quite sure that every one of our present Board would pay the fine of five dollars rather than undertake the duties for another year.

The Commissioners ought further to be bound to implement the obligations of their predecessors, so far as paying when collected the salaries of Teachers and contracts for building, and be prohibited from removing a Teacher without good cause. They ought not to have the power of determining the course of Education nor the Books to be used. These ought to be determined by some more intelligent Body, or individual, say the Chief Superintendent, or a General Board of Education. . . . Whatever plan is to be adopted, there should be but one Head.

Simplicity too, ought to be aimed at. There is in the present School Act a going from the Township Commissioners to the District Council ; from that to the Clerk of the Peace, and thence to the Treasurer, through a Township Collector too where an assessment of any kind can be collected. . . . I have written under the belief that you will have a hand in the new and improved School Bill, and that, if it is expected to tinker the old one to make it useful, you may get a hint or two worth attending to. If you are to make a new Bill, just take a review of your own letter and mine† in the last Report on Education and out of these two I believe you could frame a Bill that intelligible and if you employ faithful and zealous officers will work well.

ANCASTER, 7th of October, 1843.

WILLIAM CRAIGIE.

Mr. Murray's reply was as follows :—

I believe it is the intention of the Government to bring in an entirely new School Bill, the provisions of which are at present under consideration. My views on the alterations necessary to insure the satisfactory working of the Bill, and to promote the advancement of Education in the Province have been submitted for the consideration and information of the Executive Government.

It is impossible to say in what shape the Bill may appear, but what I have recommended would more than meet all the views which you have suggested.

KINGSTON, 13th of October, 1843.

ROBERT MURRAY.

## RIGHTS OF COLOURED CHILDREN TO ATTEND THE COMMON SCHOOLS.

A Petition from the coloured people of Hamilton to the Governor General was referred to Mr. Murray for his report thereon. He, therefore, addressed the

\* In *The Outlook Magazine* of New York, for April the 10th, 1897, it is stated that quite a number of Medical Inspectors of Schools have been appointed for that city. The first report of the Inspectors of March the 29th, 1897, showed, that there were one hundred and forty pupils excluded from the Schools, because of the contagious diseases with which they were affected. The President of the Board of Health, on examining the Report, said, "We have found the leak." He thinks that this system of inspection will prevent the spread of contagious diseases among children. Another result of the inspection is the discovery and removal of dirty children—whose bodies and clothing is in that condition.—(*The Outlook*, for April, 1897, page 976).

† Pages 269 and 273 of the Third Volume of this Documentary History.

following Letter to the then Head of the Municipality, asking for information on the subject. He said:—

A Petition from the coloured inhabitants of Hamilton, addressed to His Excellency the Governor General, stating that they pay the taxes and assessments, and that their children are denied admission into any of the free Common Schools of the Town, and praying for the privilege of having their children admitted to these Schools. I have been instructed to report on the subject, for the information of the Governor General.

I write you, therefore, for information on the following points, videlicet :—

*First*, The probable number of coloured children in Hamilton between five and sixteen years of age.

*Secondly*, The state of feeling which prevails regarding their admission to the Common Schools.

*Thirdly*, The religious body, or bodies, to which in general they belong.

*Fourthly*, The measures which the Board of Police have adopted, or would recommend to be adopted, to afford these children the means of education.

*Fifthly*, Has the Board of Police collected the School assessment ?

ROBERT MURRAY.

KINGSTON, 19th October, 1843.

The following reply was sent to Mr. Murray :—

I am favoured with your Letter, respecting the Petition of the coloured inhabitants of this Town upon the subject of their exclusion from the benefits of the established Common Schools. . . . Illness and absence have prevented me from giving an answer to your several queries.

I have lately directed my attention to the proper quarter for information, and now beg to give you the result of my enquiries.

*First*, There appears to be about twenty coloured children in Hamilton, within the ages of five and sixteen years.

*Secondly*, I regret to say that there is a strong prejudice existing amongst the lower orders of the whites against the coloured people. The several Teachers, as well as others acquainted with the extent of this prejudice, fear that if coloured children are admitted into the Schools, the parents of the greater part of the white children will take them away.

*Thirdly*, The coloured population belong chiefly to the Methodist and Baptist persuasions.

*Fourthly*, The Board of Police are unanimous in their opinion, that whatever may be the state of feeling at present with respect to the admission of the coloured children into the same School with the white, it would not be advisable to yield to it, but that the law ought to be enforced without distinction of colour. They think that if a firm stand be taken at first, the prejudice will soon give way.

GEORGE S. TIFFANY,  
President of the Board of Police Commissioners.

HAMILTON, 9th November, 1843.

#### SUGGESTION FOR THE IMPROVEMENT OF THE COMMON SCHOOL ACT OF 1841.

The following letter was addressed to Mr. Murray, as he had requested, by the Common School Commissioners of the Township of Cavan. It is rather a Letter of very severe criticism on the School Act of 1841, which seems to have met with universal condemnation than a Letter of Suggestion. Although quaint in its expression, and out-spoken in its criticism, it is but a re-echo of the adverse opinion on the School Act of 1841, which was expressed by the Home District Council on pages 222-224 of this Volume. The Commissioners said :—

We beg to state that few, if any, of the Township Commissioners have given the School Act of 1841 a fairer trial than we have ; and very few have exerted themselves so much to carry out any feasible, or apparent, salutary provisions of the Act, more than we have done ; but, we are



constrained to say, our exertions were not rewarded in a commensurate degree with our expectations, the Act being complex, mystical, overbearing, tyrannical, and unprecedented in Legislation.

2. We object *in toto* to the fifth clause of the Act, nominating the District Council a Board of Education. We do so, because, from the formation of that Council, very many of the most illiterate men are chosen, and, consequently, the most improper persons to be entrusted with care of the education of the Country, we must say, further, that whoever had the concoction of this Section of the Municipal Law, shewed a most deplorable ignorance of Canada, and exceeding little of the workings of popular elections.

*Secondly*, We find that this new-fangled Board of Education, in every part thwarting the most praiseworthy exertions of the Township School Commissioners, (who, taking a District as a criterion, are the most enlightened body of the two), causing distrust in both bodies by the inhabitants, and producing results quite opposite to those which should be wished for by the framers of the Act.

3. After a year's minute observation of the efficacy of the Act, for the purpose said to be intended, we declare we can point out no one redeeming clause, save that of enforcing the inhabitants to build suitable School Houses, but this solitary good point is nullified by our incompetent District Board of Education.

4. We consider it needless to enter into the merits, or rather, de-merits of the Act consecutively, as no one who has read it, and can understand what he reads, but must pronounce it (to say the least), as an attempt at producing an Act of Parliament which proves an abortion, and a very fatal one, to the Teachers of Canada West.

5. In considering the improvements which may be made in the Act, we fear any attempt at amending the present one would prove futile ; the most desirable plan, in our opinion, would be to throw it overboard, and have a new one introduced, as, from the quantity and varied information on the subject, which you will have received, we may fairly expect a measure which will give satisfaction to the people, and one that, in some degree, may satisfactorily meet the differences between young and old settlements, as regards taxation.

6. According to the present Act, there can, in our opinion, be no uniform system of Education, for the Common School Commissioners, who are acting this year, may not act, or not be chosen, next year ; consequently, the School Books recommended this year may not be approved of by the newly elected Commissioners of next year, thus creating annoyance, not only to the Teachers, but to the parents of the children.

We consider that the Bible and Testament should be standard Books in every Common School, and this should not be left to the whim of people periodically chosen by Statute. In giving this opinion, we are aware we are hazarding the name of bigot, sectarian and fanatic.

7. We would beg further to suggest that, for the future, in laying out new Townships, 50 or 100 acres be reserved in the centre of each quarter for a site for a School House, and residence for a Teacher, which would enable the inhabitants, by a small advance, to command four efficient Teachers for each Township ; but we consider that the Province should establish a general Preparatory School for training Common School Teachers, as the supply of qualified ones is, at present, very meagre ; yet we cannot, under this want, go the length of the Board of Education of the Home District to recommend that "all aliens" should be received as Teachers in Canada West.

8. We object to any one Member of the Board of Education being chosen otherwise than by the Executive Government ; as periodical elections are, and must be, prone to continual change, which, so far as Education is concerned, should be systematic and stationary.

9. We further beg leave to say that, in submitting these observations on the absurdities of the School and Municipal Acts, so far as connected with our functions, as Common School Commissioners, we are actuated by the purest motives, and a most ardent desire to see the Common Schools of our Country placed on a foundation that could not give our people cause to envy any portion of the Globe, for a more uniform and efficient system of Education than we enjoy.

SAMUEL ARMOUR, Chairman.

CAVAN, 17th of October, 1843.

To this Letter of the Reverend Samuel Armour Mr. Murray made the following reply :—

Although, in some respects I view the present School Act in a different light from what you do, yet, as regards the efficiency of the Act, we are perfectly agreed.

In almost every District Meeting of the Township Commissioners and Teachers, during my public visitations in 1842, I urged them to transmit to the Education Office, their views of the

present School Act, and the amendments they would suggest. It grieves me to say that hitherto, little, almost no attention, has been paid to these recommendations—a compliance with which might have enabled me to be instrumental in bringing forward a School Bill which would have been productive of better results than the present one. But, this want of attention, on the part of Teachers to their own interest, though it weakens my hands, yet it shall not diminish my efforts to promote the best interests of Education in Canada West.

KINGSTON, 2nd of November, 1843.

[ROBERT MURRAY,

# FIRST CLERK IN THE EDUCATION OFFICE OF UPPER CANADA.

Mr. Robert Richardson, having served for a time a Clerk in the Education Office for Upper Canada, applied to Mr. Murray for a letter of commendation.

Mr. Murray sent him the following one:—

I have much pleasure in stating that from the 14th day of June, 1842, until the 7th of January, 1843, the time you officiated as temporary Clerk in the Education Office, Canada West, I always found you punctual in your attendance during office hours, attentive to business, and of a very obliging disposition.

The reason that your services were dispensed with, was an Order from the Provincial Secretary, West, dated the 6th of January last, requiring that your services should be dispensed with, and that all expenses connected with the Education Office should be discontinued,—no provision having been made in the School Bill of 1841 for the Contingent Expenses of the Office of the Chief Superintendent of Education.

ROBERT MURRAY.

KINGSTON, 7th of December, 1843.

## FINANCIAL IRREGULARITIES IN CERTAIN TOWNSHIPS OF THE HOME DISTRICT

In a Report of a Committee of the Home District Council certain financial irregularities, and other School Matters were thus dealt with by the Committee:—

A Petition has been received from a number of persons in Georgina, asking redress in the following case: It appears that the School Commissioners in that Township have obtained the Government appropriation for Common Schools for their Township, and have divided the greater part of it among certain of its inhabitants; a proceeding so utterly at variance with the intention of the School Act, and so highly reprehensible, that the censure of the Council can hardly be conveyed in language too strong to mark their disapprobation of such gross misappropriation of the public funds.

The Committee recommend that the District Treasurer be directed to call upon those Commissioners to immediately refund the amount thus improperly disbursed.

It has also been, by petition and otherwise, brought to the knowledge of your Committee, that it is the general practice for the Township School Commissioners to take up from the Treasurer at once, the whole amount coming to their Township for School purposes,—leaving it in the hands of their Chairman until required; a mode of procedure not only objectionable in itself, but at variance with the School Act, which evidently intends the District Treasurer to be the Treasurer of the Township School Commissioners,—paying their Warrants in liquidation of charges sanctioned by them to the parties to whom the same may be due, and by no means to the Commissioners themselves, and carrying the same to the debit of the proper School district. The consequence of this practice is, that various sums of the Government appropriation for 1842 are now in the hands of the different School Commissioners belonging to the School districts for which Teachers could not be obtained.

Your Committee would recommend, that all sums for School purposes belonging to those School districts, thus unexpended, should be immediately refunded to the District Treasurer, to be by him placed to the credit of the School district to which it belongs,—there to remain until Teachers are obtained, and the money expended in accordance with the School Act. The Committee would also recommend, for the future, that the Township School Commissioners should abstain from granting Warrants to one of their own Body for the whole sum coming to their Township; and the District Treasurer be instructed not to disburse the School funds in that manner, but to pay the same to the parties to whom the Commissioners may be indebted for School expenses upon their Warrant, charging the same, as before mentioned.

The petition of the School Commissioners of North Gwillimbury, praying to be allowed to make use of the balance remaining, after paying their Teachers, in the purchase of School Books for that Township; and also the application from Vaughan and Caledon, requesting certain alterations in the School districts in those Townships, your Committee recommend being granted. . . .

With respect to the application from the Commissioners of the Township of Toronto, as to paying, from the public money, Teachers who have taught for a less period than nine months, the Council cannot dispense with the law of the land; and also that in levying the general School Assessment particular portions of any School district cannot be exempted from the tax, although unfortunately no School may at present be taught in such vicinity.

J. W. GAMBLE, Chairman.

TORONTO,

1843.

## CHAPTER XXVIII.

### REMINISCENCES OF SUPERANNUATED COMMON SCHOOL TEACHERS, 1842-43.

**WARDSVILLE TO 1842.**—The village of Wardsville enjoys the distinction of having possessed one of the pioneer Schools of the Province. Its history is indeed an ancient one, dating back nearly one hundred years. In the early part of the century, when the country lying west of London was a vast unbroken forest, save a small settlement on the river Thames, which afterwards became known as Wardsville in honour of its founder, Alexander Ward, (surnamed by the Indians, Tomacoo). For many years classes were held at private houses; then a small log building was erected about two miles east of Wardsville, in what is known as the Big-Bend Road.

About the year 1840 the first Public School was established in Wardsville; and as the Country prospered, the need of better educational facilities was sorely felt, and Wardsville being a trade centre for a large tract of country, it was soon looked upon as an educational centre. (*No name appended.*)

**HOME DISTRICT, 1842.**—My first experience as a Teacher was in the Township of Adjala, Cardwell County, not far from where the village of Loretto is now situated. I journeyed on foot from Toronto, through the Gore of Toronto and Albion to seek the situation in Adjala. The people welcomed me kindly, and agreed to have me take charge of the School. The arrangement was that I should receive 25 cts. per month from each pupil attending. If there were three pupils from any one house the third one was taught gratis. That, with a small Government Grant, was the usual salary provision for Teachers in those days.

*Lot of the Teacher.*—But there was another and more interesting kind of remuneration. In addition to the School fee, it was arranged that I should board with the people, spending a week for each child at every house. Crude were the conditions then obtaining in the rural sections of Western Canada, but the hospitality of the people knew no bounds. The Teacher was welcomed at every door; and when the prescribed time for his visit had elapsed, he was often prevailed upon to stay another week. At every social gathering, even the logging and quilting bees, he was a welcome guest; and a respect and friendship were in those times shown him wherever he went. In a material sense the itinerary boarding system was a gratifying arrangement for the School Master. If good things had a place on the bill of fare at any time during the year, it was surely the week that the Master found shelter and food by the hospitable hearth.

*The School House.*—I do not think I can give a very graphic description of the School House. Of course it was a log building. The logs were not even hewn nor the corners squared as were the more pretentious structures of that period. Its dimensions were about 16 feet x 12. On one side were the long low windows, common in those days; on the other, a large open fire-place and a mud chimney. The floor was made of rough plank; the roof was clapboarded; the seats were hewn logs, supported by round pieces of wood driven into augur holes on the under side. The desks for the pupils were in keeping with the other appointments of this hall of learning. They were simply a long shelf on the window side of the building—a rough board resting on stakes driven into the log in a slanting direction. Maps there were none; neither was there a black board; and a few pieces of slate without frames were the only facilities for the children's exercises. Mayor's Spelling Book, an English Reader and Walking-game's Arithmetic were the principal text Books used.



*The Children* were remarkably quiet and obedient, and the best of order was maintained, without resorting to any corporal punishment. In the winter time, the building was kept comfortable by the large fire place, fuel for which was supplied by the pupils in turn. Through the mists of the intervening years, I can still see a little group of children sitting around the brightly burning maple log, earnestly at work with their studies and listening attentively to every word of instruction offered by the Teacher. Into the shadows of eternal night many of those ruddy faced, hardy children have since passed, and I am left to make the simple record here of their zeal and devotedness in the prosecution of their studies in that old log building and their unvarying respect and kindness to him who to the best of his ability endeavoured to equip their minds for the stern battle of life.

PATRICK DOWNEY, Guelph.

COUNTY OF ADDINGTON, 1842.—I began to teach at Asselstine Factory, near Bath, in October, 1842. The School House was a frame building, about 24 feet square. The fittings of the School were a desk and a bench on each side, with some additional forms for pupils, who did not write. At the end, opposite the door, was a desk, which was used as a pulpit on Sundays, and by the Teacher on week days. Opposite the pulpit, or desk, was a large box for holding firewood. Every second Saturday was a holiday. The Teacher usually received fifty cents a month for each pupil, as salary; and he got his board by staying with the patrons of the School as many days in proportion to the number of pupils sent. This was called "boarding round." There were no Apparatus, Maps, or Blackboard, when I began to teach. After a while, a Blackboard was got, which cost one dollar. At first, there were no Geographies, or Grammars, used. I drew a Map of the World on the Blackboard, and gave the pupils a general idea of the principal Countries, and their peculiarities. This mode of instruction was very popular in the School Section. I think the only Reading Books used were Mavor's Spelling Book, and the English Reader. The first Geography used was Olney's, and the first Grammar was Lennie's.

The School was visited every quarter by a Township School Commissioner, who made a note of the number of pupils in attendance and on the Roll, which served as a basis for distributing the Government Grant among the Schools. These Commissioners were chosen at the Town Meeting about the beginning of the year. The Chairman of these Commissions examined applicants for Teachers' certificates.

ROBERT PHILLIPS, Fergus.

COUNTY OF HALTON, 1842.—In the year 1842, I commenced teaching School in a Section in the Township of Nelson, County of Halton. The School House was of the primitive order,—built of logs, and considered fairly comfortable for those days of early settlement. The text Books used were Murray's English Reader and Introduction, Mavor's Spelling Book, Daboll's Arithmetic, etcetera. The people were kindly disposed towards me for the seven months I was with them.

J. BREMMER, Waterdown.

NEPEAN, 1842.—My first School was in the Township of Nepean, near By town, (Ottawa.) Mr. Penny was School Inspector about the year 1842. Our Examinations were rapid. My first question was: How much does \$60 amount to in one year at five per cent.? Let the answer be right or wrong "you are a clever fellow" was said, and so on with other Teachers. As my first experience in teaching I had to "board round" two weeks in each house, till I went all round them; then begin again, and so on for the year. My salary was then one hundred (\$100) a year. The School House was of logs, covered with Elm bark, or scooped out logs, placed on each other to carry off the rain. Inside were desks, placed along the wall in a slanting position, for writing, or cyphering. Planks were placed the whole length of the house, supported by feet, for seats, either high or low, as required.

BERNARD DALY, Laxton.

NORTH GOWER, 1842.—I first began to teach at North Gower in 1842, in a little log School House. There were no fixings. It was the first School in the Section. The Books used were Mavor's Spelling Book, English Reader, and Walkingame's Arithmetic.

WILLIAM GORMAN, Harlem.

MORRISBURG, 1842.—It is almost an impossibility to give an absolutely correct history of the establishment of our Private and Public Schools in this vicinity, then known as the Township of Williamsburg, as they date back to the earliest settlers, and originated at a time when the observance of authentic records was not deemed a necessity. But sufficient data is available to warrant us in saying that a Ladies Seminary was established as far back as 1842 by Mrs. Henry Weagant, and conducted by her on the tuition fee system for many years after the establishment of the free school system in our Public Schools. This Seminary constituted the

only seat of learning for the ladies of this District for many years, and, indeed, many of the present residents of Morrisburg look back with delight and satisfaction on the pleasant memories of the Seminary and the diligence of the Teachers therein employed.

I cannot give the date of the establishment of the first Public School in this District, but I know it was many years anterior to the Seminary above referred to, and dates concurrently with the earliest settlers in the locality, their first aim being to establish a School on some mutual basis, acceptable alike to both Parents and Teacher, and supported by private subscriptions, tuition fees, donations and such other means of support as presented itself from actual emergency.

Legislation favourable to the interests of the Public Schools was gradually introduced. Grants were given in support of the same and progress in the direction of more favourable views in the cause of Education was the trend of public opinion, until it culminated in the adoption of the Free School Systems.

THOMAS McDONALD, Secretary.

COUNTY OF NORFOLK. In the *British Canadian* of Simcoe, in the County of Norfolk, appears the report of an Address by Mr. W. W. Pegg, a pioneer Teacher of that County. In it he gives a graphic description of the "School-teaching" days in that noted old County. Of Mr. Pegg, the *British Canadian* of the 30th of December, 1896, says :—

One of the most interesting parts on the whole programme of the recent Teachers' Convention was Educational Reminiscences of Forty Years delivered by that old veteran, Mr. W. W. Pegg. Having just completed his fortieth year . . . as a useful instructor of the youth of this county, Mr. Pegg, . . . who draws a snug little sum from the Superannuated Teachers' Fund ; at the same time he engages in . . . farming. In the interesting paper given by Mr. Pegg, the audience listened to a description of schools houses and methods from the time of the 40ties, when the school houses were built of logs and when teachers "boarded around."

#### SCHOOL REMINISCENCES OF THE REVEREND DOCTOR RYERSON.

It may be here remarked that the Reverend Doctor Ryerson, the late distinguished Chief Superintendent of Education for this Province, was born in this County. In a personal sketch of his early history he gives the following particulars as to his Student and Teacher life :

I was born on the 24th of March, 1803, in the Township of Charlotteville, near the Village of Vittoria, in the then London District, now the County of Norfolk. . . . The District Grammar-School was then kept within half-a-mile of my father's residence, by Mr. James Mitchell, (afterwards Judge Mitchell), an excellent classical scholar ; he came from Scotland with the late Right Reverend Doctor Strachan, first Bishop of Toronto. He treated me with much kindness. When I recited to him my lessons in English Grammar he often said that he had never studied the English Grammar himself, that he wrote and spoke English by the Latin Grammar. At the age of fourteen, I had the opportunity of attending a course of instruction in the English Language given by two professors,—the one an Englishman, and the other an American,—who taught nothing but English Grammar. They professed in one course of instruction, by lectures, to enable a diligent pupil to parse any sentence in the English Language. I was sent to attend these lectures, the only boarding abroad for school instruction I ever enjoyed. My previous knowledge of the letter of the Grammar was of great service to me, and gave me an advantage over other pupils, so that before the end of the course I was generally called up to give visitors an illustration of the success of the system, which was certainly the most effective I have ever since witnessed, having charts, etc., to illustrate the agreement and government of words.

This whole course of instruction by two able men, who did nothing but teach Grammar from one week's end to another had to me all the attraction of a charm and a new discovery. It gratified both curiosity and ambition, and I pursued it with absorbing interest, until I had gone through Murray's two volumes of "Expositions and Exercises," Lord Kames' "Elements of Criticism," and Blair's "Lectures on Rhetoric," of which I still have the notes which I then made. The same professors obtained sufficient encouragement to give a second course of instruction and lectures at Vittoria, and one of them becoming ill, the other solicited my Father to allow me to assist him, as it would be useful to me, while it would enable him to fulfil his engagements. Thus, before I was sixteen, I was inducted as a Teacher, by lecturing on my native lan-



guage. This course of instruction, and exercises in English have proved of the greatest advantage to me, not less in enabling me to study foreign languages than in using my own.

## PIONEER TEACHERS AND SCHOOLS IN THE COUNTY OF NORFOLK.

Mr. Pegg, in his Address, said :

One of the most famous schools of seventy years ago was that of Doan's School House, situated on the banks of the river Lynn, about midway between Simcoe and Port Dover. Another School was situated on the same stream a couple of miles nearer Simcoe, close by Steinhoff's Sawmill, and a short distance from Ades' School House, School Section No. 3, Woodhouse, then called Steinhoff's School House. Some of the early teachers at Doan's were Mr. John Tolmie, Mr. Folsom, Mr. Lateret, and Mr. Patterson. Mr. John Tolmie is represented as having been a very good Teacher, who did much for the improvement of his pupils, considering the rude appliances then in use. The School House was of logs, about 18 feet by 23, with a huge fireplace and chimney occupying the end of the Room opposite the door ; on the side walls auger holes had been made and long pins inserted, on which were placed boards as Desks. The seats were slabs from the Sawmill, with holes bored in them and pins inserted for legs, and on these facing the walls the scholars were seated, especially those who had books ; inside of these, and nearer to the centre of the Room, were a second row of Benches, (similar to the first, only with shorter legs,) for the use of the smaller scholars. These Seats were just as they came sawmill in their rough state, and certainly possessed one merit : that the erect splinters served a useful purpose in preventing the smaller pupils from sliding off the seats.

The Books then used were : The Introduction to, and the English Reader, Mavor, Cobb or Webster's Spelling Book, and Daboll's Arithmetic. There were no Blackboards, Maps, or Charts, and such a book as a Grammar, or a Geography, in the Common Schools were at that time unknown ; and, when a few years later some of the more progressive people procured Olney's School Atlas and Geography, and Kirkham's Grammar, it was thought something wonderful. The three R's were the only studies, and they were generally well taught from the fact there were no other studies to occupy the mind and distract the attention. The Writing Lessons began with the downward stroke, at an angle of 52° ; after the pupil could make these fairly well, then came "pot-hooks and hangers," and next the letters. Quill pens were the only ones used, and a considerable portion of the Teacher's time was occupied in setting Copies and mending pens. A bold round hand was the style practised, and the writing was plain as print, and in many instances beautiful, if it was not executed with the rapidity of our modern style.

### A COMPETITIVE SCHOOL SPELLING MATCH.

The Spelling Match in a School, or between two Schools, was one of the exciting events of the times. The date of the match having been arranged for many days previous thereto, the well thumbed and dog-eared Spelling Books might have been seen continually in the hands of the pupils, and a thorough drill exacted through the whole book from a-b, ab, e-b, eb, to "abominableness, maladministration, phthisic, itaglo, and asafetida." When the appointed day arrived many of the parents gathered as interested spectators, and each brought a two bushel basketfull of doughnuts, or apples, and sometimes a barrel of cider for the entertainment of those present ; for, in those days, the people were well inclined to hospitality. There were usually one or more champion spellers in each School, and when all contestants had been spelled down but three the excitement became most intense. The most rigid silence was observed and all eyes watched the scene as the words were pronounced and spelled alternately from side to side. Occasionally the whole vocabulary of the Spelling Book would be exhausted and neither party miss a word. Recourse would then be had to Walker's Dictionary, or the Bible for Scripture names, in order to break the tie. With what care and deliberation would each letter and syllable be uttered, until at length in an unlucky moment, the wrong letter would be pronounced, and, quick as a flash of lightning, the opponent would seize his, or her, opportunity, spell the word correctly and thus win the day. The victor was greeted with rounds of applause. But occasionally the strife did not end here, for some one of either School who was better in the use of his fists than his brains would challenge any one in the opposing School, and on this being accepted a pitched battle would be the result ; but I am pleased to say that this was not often the case, but was the exception rather than the rule.

Another excellent Teacher at Doan's schoolhouse was Mr. Flint, who was a shrewd, sharp Teacher and introduced Walkinggame's Arithmetic, and gave quite an impulse to educational matters in that School ; and another of the pioneer Teachers who taught with much profit to his pupils and acceptability to his employers at Doan's Steinhoff's, Simcoe, Port Dover, and many other places in Norfolk was Mr. Jonas Chamberlain, whose name was a household word for years. Another was Mr. Dodge. Mr. Eli Chadwick conducted a flourishing School in Vittoria for some



years. At one time it was held for a lengthy period in the old Court House in that place. Although Mr. Chadwick was a strict disciplinarian he managed to secure and retain the esteem of his pupils, many of whom speak in kind and loving terms of their former teacher.

After 1840, the Section at Steinhoff's was divided and a School House was built on the banks of the Lynn, (then called Patterson's Creek,) about a half mile farther up the stream near the Potts' Settlement. In this latter School House your Humble Servant made his debut as a pupil. The desks were much the same as those already described, but a little improvement had been made in the seats, for some of them had supports for the backs, but these were appropriated by the larger scholars, while the little urchins were under the necessity of sitting on high seats with legs dangling in mid-air.

#### NOVEL MODE OF PUNISHMENT IN SCHOOL.

The Teacher's name was Mr. John Corkins a tall, swarthy American—not a bad Teacher, but he had a curious habit of rolling his silk handkerchief into a ball and shying it at any one whom he saw violating any of his rules, who on being struck were required to return the handkerchief and receive a castigation on the hands for misdemeanor. Another favourite method of punishment which he practised to cure boys of fighting, (which was then more prevalent than now,) was to make them "cut jackets." The boys who had been breaking the rule in this respect were each required to take a beech rod about four feet long, as tough and limber as a whalebone whip, and standing about three feet apart were made to flog each other well, while the Teacher stood by with a similar rod in his hand, and if he saw that either boy was inclined to favour the other by lessening the force of his strokes, he would say, "lay on harder, boys," and apply his own rod to the back of the delinquent. The cure was harsh but generally effectual.

Another Teacher here was Mr. Isaac Sterling, and others were Mr. Isaac Potts, Miss Esther Douglas, and Miss Esther Austin, who were excellent Teachers. The other part of the section built a School House on "Marr's Hill," which was afterwards removed a mile east and called Ades' School House. When this house was first built Miss Phebe Walker taught in it for some time with much success. Other Teachers in the Steinhoff School House were Mr. Boardman, Mr. Strong, Mr. Dodge and others.

In those early days the School was not generally kept open throughout the entire year, but there was usually School during the winter months. The plan adopted for opening the School was as follows: The person desiring to teach the School, or some one on his or her behalf, canvassed the neighborhood, to obtain "signers for the School." The rates were one dollar per quarter for each scholar, with a liberal discount for a family, if a half dozen or a dozen were sent from it; for families were large and pupils were more plentiful than dollars. Each parent was expected to send a few loads of wood, more or less, to keep a supply of fuel. The Teacher "boarded round," remaining a week with each family, and the experience obtained by this method was sometimes curious and exciting.

In 1842 I first became acquainted with the Schools in Simcoe. There were two Common Schools and the Grammar School. One of the Common School Buildings stood on the corner of Dean and Stanley Streets opposite the Methodist Church; this School was then taught by Mr. Clark Olds, who, although afflicted with lameness did good work in his School.

The other Common School building was on Lot street, on the north side of the Court House Square. Mr. Pennington taught here for some time, also Mr. D. M. Haskin, a most excellent and painstaking Teacher hailing from Rochester, N.Y., whose one fault was that he'd sometimes allow his tempter to get the better of his judgment, and punish a pupil more severely than he intended, or the pupil deserved, and from the effects of which I am tenderly conscious to the present day! A vow was made at that time that, when years gave conscious strength, he would be made to rue the day he lost his temper; yet, strange to say, long years afterward . . . I walked six miles, under a hot July sun, to pay him a visit and was delighted once more to see the face and clasp the hand of my old Teacher. Mr. Haskin taught this School for seven years, and succeeded in awakening a deep interest in the minds of the parents in the School. He was the first Teacher, with whom I was acquainted, that held quarterly Public Examinations, in which were introduced Singing, Dialogues, Recitations, Debates, etcetera. Such fame did the School acquire, that pupils from outside the Town, within a radius of six or eight miles, some of whom were over school age, young ladies and gentlemen from twenty to twenty-five years of age, attended the School in large numbers, and stimulated each other in attaining education. Public men frequently visited the School and by their presence and words encouraged both teacher and pupils; among these I remember Doctor John B. Crouse and the late Judge Wilson, then Clerk of the Peace, both of whom took a deep interest in educational matters. At first the books used were Cobb's Spelling Book, the English Reader, Kirkham's Grammar, Daboll's Arithmetic, Davies' Algebra, Morse's Geography, Pinnock's Goldsmith's History of England. About 1846, the series of Irish National Readers, Arithmetic and Book-Keeping

were introduced under Doctor Ryerson's administration and gave a great impetus to education. The Fifth Book of this series was, I think, one of the best Text Books ever used in our Schools : its Jewish and Ancient History were explained in a brief, concise and comprehensive manner, while there were enough Animal and Vegetable Physiology to give a pupil a good idea of the subject and inspire him with a desire to know more by getting a full and complete text book on each subject. Mr. Haskin projected a Picnic to the lake at Port Dover. Accordingly a large number of the farmers surrounding Simcoe came with their lumber waggons, and the children . . . to the number of a hundred, or more, and proceeded to the lake where all went "merry as a marriage bell," and after partaking of a hearty lunch, (taken along), and disporting awhile on the pebbly beach preparations were made for returning home. . . . Mr. Haskin was succeeded in the School by Miss Murphy, (afterwards Mrs. James A. Lyons), a kind and faithful lady Teacher ; and she was succeeded by Mr. John Kennedy. About this time a change was made by which all the girls attended the School on the Court House Square, and the services of the Misses Thompson were secured as Teachers of the School, and they were succeeded by the Misses Hayes, who successfully taught the School for a long time - I think until the union of all the Common Schools with the High School was effected. The other Common School the boys attended, was taught by the late Mr. William Roche for a lengthy period, who taught wisely and well. Mr. James Smith was Assistant to Mr. Roche. Other Teachers were Mr. Thomas Bayne. Mr. A. J. Donly, who continued in charge of the department of the Public School after the union was effected and proved an efficient and useful Teacher. My first recollection of the High, or Grammar, School, as it was then called, was a red frame building standing in the centre of the plot bounded by Norfolk, Peel, Kent and Robinson streets, and which on polling days, for parliamentary elections, was frequently the scene of many a political fight, as it was used as the only polling place for the Township of Woodhouse, including the Town of Simcoe. The School was taught by the late Reverend George Salmon, a tall, erect and kindly disposed gentleman, who was highly esteemed and greatly respected by all. After a time the School Building was removed to the west side of Kent street. Mr. Salmon was still Principal and English Master, and for a time Mr. Oliver T. Miller was the Classical Master, and he well filled the poet's description : "A man severe he was, and stern to view," etcetera, as many of the pupils will bear testimony to this day. Principal Salmon was succeeded by Mr. George Evans, B. A., son the Reverend Francis Evans, Rector of Woodhouse, and Mr. William Sharpe, the present efficient Secretary of the Simcoe Board of Education, as English Master and Teacher of a Commercial Course of Book-keeping, etcetera, (then for the first time introduced.) Both of these gentlemen were well liked by their pupils, and proved efficient and useful Teachers. At this time there were annual snow-ball battles between the pupils of the Common Schools and the Grammar School. What the Common School boys lacked in size they made up in number, and so fiercely did the contests rage at times that the legal authorities were forced to interfere and suppress them.

At different times there were private Schools, some of an elementary and others of an advanced character. Miss Murphy for some time conducted an excellent private elementary School for young children in the Vestry of what was then called the "Mud Church," . . . and many of our matrons in Simcoe received their first education at her kindly hands. For some years three Sisters, the Misses Webb, conducted a Select School, or "Ladies' Academy," which was well patronized by nearly all the young ladies of Norfolk. It was first situated at the corner of Kent and Younge street, until increasing numbers rendered the premises too small, the large building now known as the Royal Hotel was secured and fitted up as a "Boarding School for Young Ladies." In addition to English education, instruction was also given in the fine arts, and very many of our elderly ladies throughout the County still cherish kindly feelings and fond memories of the Misses Webb. They were succeeded by Misses Walker and Douglass, who conducted a very flourishing Ladies' School on Colborne street away back in the fifties.

The Local Superintendents who did much to shape and put into effect the School System as originated by that great educator, Doctor Edgerton Ryerson, the founder of the Ontario School System. Among the first of these was the Reverend William Clarke, who often visited the Schools and encouraged both pupils and Teachers by his timely and encouraging remarks. Also Reverend George Bell was a great friend of the Schools, and frequently delivered lectures on science that were both pleasing and instructive. Reverend William Craigie, Reverend Francis Evans, Reverend A. Slaght, Reverend A. Van Loon, Mr. J. A. Backhouse, Mr. D. W. Freeman, and other Members of the Board of Education for this County, who were efficient Officers and contributed in no small degree to the introduction and successful working out of our most excellent System of Education.

I think that I can say, without fear of success contradiction, that "Glorious Old Norfolk" has sent out from her confines an equal number, if not a greater number, of educated, useful and influential ladies and gentlemen than any other County in Ontario. And we should ascribe due honor to those pioneer Teachers who, amid privations and discouragements, surrounded by inadequate accommodation and inefficient equipments, were able to achieve such noble results.





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#### ERRATA.

Page 2 : For Murdock, read Murdoch.

Page 15 : For *pactique*, read *practique*.

Page 19 : For Documentury, read Documentary.

Pages 23 and 24 : For Tache, read Taché.

Page 28 : For Macauley, read Macaulay.

Page 37 : For entituled, read intituled.

Page 73 : For page — *post*, read page 76, *post*.

Page 74 : For see page —, read see page 89, *post*.

Page 79 : For Secretarys, read Secretaries.

Page 111 : For Provncial, read Provincial.

Page 154 : For page 451, read page 154.

Page 163 : For Balfonr, read Balfour.

Page 198 : For Exeellency, read Excellency.

Page 202 : For Henry G., read Henry H.

Page 203 : For Malcenass, read Macenas.

Page 251 : For Premable, read Preamble.









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